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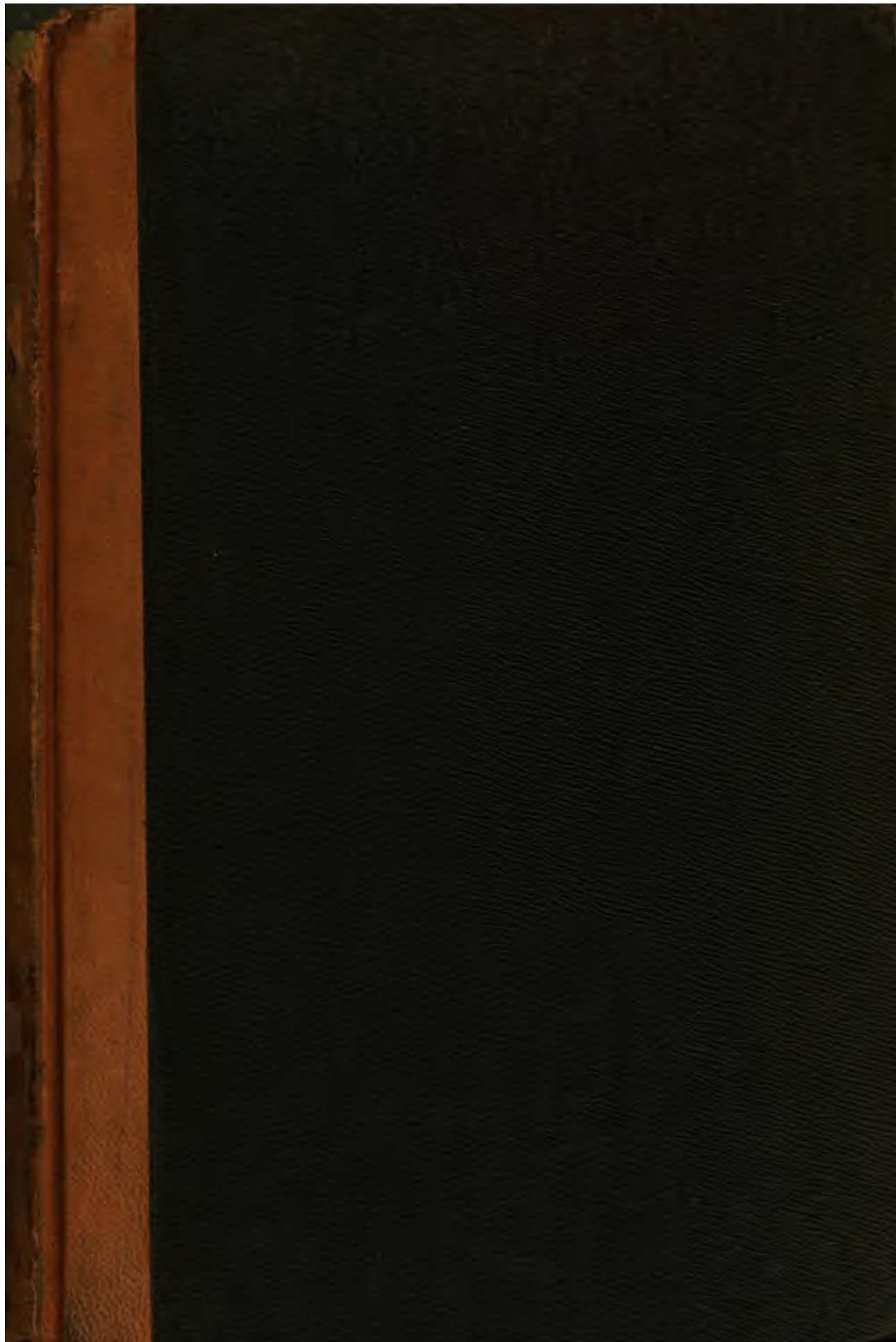
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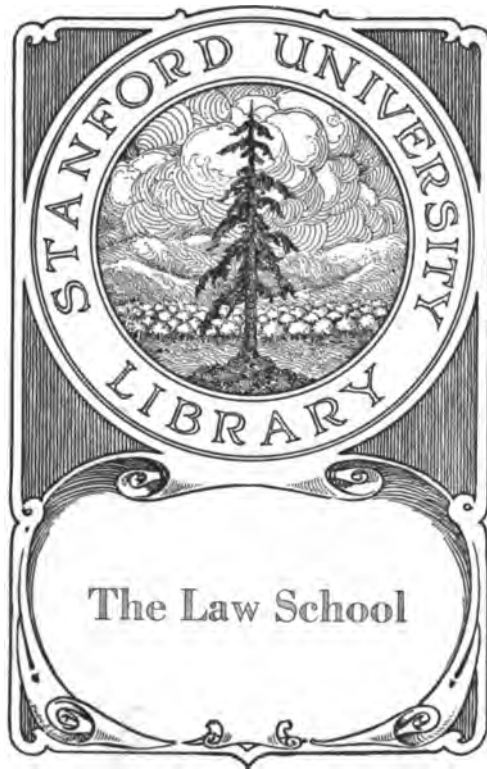
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Canada Collectors - Quebec



# ORDERS IN COUNCIL

HAVING FORCE OF LAW

IN THE

PROVINCE OF QUEBEC.



HIS HONOR  
**THE HONORABLE AUGUSTE REAL ANGERS**  
Lieutenant-Governor.

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QUEBEC :  
PRINTED BY CHARLES-FRANÇOIS LANGLOIS,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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Anno Domini, 1890.

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# ORDERS IN COUNCIL.

PROTECTION OF FORESTS.

FIRE DISTRICTS.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 17th April, 1889.

PRESENT :

The Lieutenant-Governor in Council.

**W**HEREAS the Act 46 Victoria, chapter 10, as amended by the Act 52 Victoria, chapter 44, declares that the Lieutenant-Governor in Council may, by proclamation, declare any portion or part of the Province of Quebec, which is included in any forest region, to be a " Fire district ; "

It is ordered that a proclamation do issue declaring that the whole of that part of the territory of this Province watered by the river Ottawa and its tributaries, situated to the west of Red river, be known as a " Fire district."

(Signed) GUSTAVE GRENIER,  
Clerk of the Executive Council.

PROTECTION OF FORESTS.

FIRE DISTRICTS.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 22nd May, 1889.

PRESENT :

The Lieutenant-Governor in Council.

**W**HEREAS the Act 46 Victoria, chapter 10, as amended by the Act 52 Victoria, chapter 44, declares that the Lieutenant-

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*Department of Crown Lands.*

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Governor in Council may, by proclamation, declare any portion or part of the Province of Quebec, which is included in any forest region to be a " Fire district ; "

It is ordered that a proclamation do issue declaring that that part of the St. Maurice and Lower Ottawa territory comprised in the following limits shall be known as a Fire district. to wit :

To the north west by the exploratory line surveyed by surveyers L. Russell, Leber and Arcand, from the river du " Lièvre " to the St. Maurice, thence towards the east by the said river St. Maurice, to its mouth, thence toward the south-east by the river St. Lawrence to the eastern, north-eastern and western limits of the county of Two Mountains, thence following the said limits until they meet the river Ottawa, towards the south by the said river Ottawa as far as the mouth of the Red River, towards the west by the Red River as far as its intersection with the exploratory line above mentioned.

(Signed)            GUSTAVE GRENIER,  
Clerk of the Executive Council.

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PROTECTION OF FORESTS.

FIRE DISTRICTS.

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EXECUTIVE COUNCIL CHAMBERS.

Quebec, 28th June, 1889.

PRESENT :

The Lieutenant-Governor in Council.

**W**HEREAS it is necessary to carry out the provisions of the Revised Statutes, respecting the protection of forests against fire ;

It is ordered that, in accordance with the provisions of article 1358 of the said Statutes, a proclamation do issue establishing five new Fire Districts comprising the balance of the territory under license for the cutting of timber in this Province, to wit :

1. The Saguenay region ;
2. The Gaspé region ;

ORDERS IN COUNCIL.

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*Department of Crown Lands.*

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3. The Bonaventure region ;
4. The Kamouraska region ;
- 5 The St-Francis region ;

Which regions shall be bounded as follows :

1. That portion of the Saguenay territory, comprising all the forest lands of the Crown, as well as all the timber limits now under license, comprised within the Saguenay agencies east and west, the Lake Saint John agencies east and west, the Saint Charles agency and that part of the Saint Maurice agency situated to the east of the river Saint Maurice ;

2. That portion of the Gaspé territory, comprising all the forest lands of the Crown, as well as all those under timber license, comprised within the counties of Bonaventure and Gaspé, with the exception of all the forest lands or timber limits watered by the river Malbaie and the rivers flowing into the Baie des Chaleurs, as well as that part of the territory watered by the rivers Metapedia and Patapedia, in the county of Bonaventure ;

3. That portion of the Bonaventure territory, comprising all the forest lands of the Crown, as well as all the timber limits watered by the river Malbaie and the rivers flowing into the Baie des Chaleurs, also that portion of the county of Bonaventure which is watered by the river Metapedia and its tributaries, the river Patapedia and the tributaries of the river Ristigouche ;

4. That portion of the Kamouraska territory, comprising all the forest lands of the Crown, as well as the timber limits now under license, comprised within the Chaudière, Montmagny and Grandville agencies, with the exception of the townships of Thetford and Coleraine, which form part of the Saint Francis Fire District ;

5. That portion of the Saint Francis territory, comprising all the forest lands of the Crown, as well as all the timber limits now under license, comprised within the Arthabaska and Saint Francis agencies, also those comprised within the townships of Thetford and Coleraine and forming part of the Chaudière agency.

That there be appointed for each of the said Fire Districts a general superintendent of forest fires vested with the powers and control mentioned in articles 1353*d* and 1353*e* of the said Revised Statutes.

That authority be given to place or to cause to be placed by the holders of timber licenses at the disposal of each of such superintendents the number of men required to carry into execution the law respecting the protection of forests against fire as prescribed by article 1353*e*.

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*Notaries and their Tariff.*

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That, in accordance with the provisions of article 1353e, authority be given to levy each year upon the whole extent of territory under license for cutting timber, a contribution per square mile of territory so under license, the amount whereof may be increased or diminished in the discretion of the Commissioner of Crown lands as the necessities of the case or circumstances may require, so that the whole of such contributions equal the amount appropriated annually by the Legislature and paid or to be paid by the Department of Crown lands for salaries and expenses of the superintendents and other persons employed for the protection of forests against fire.

That such contributions to be levied upon the territory under timber license shall be paid at the same time as the ground rent; and that in the cases in which they exceed the amounts actually expended in the course of the season or term to which they apply, the balance shall be proportionably and respectively placed to the credit of those who paid the same, to avail on their account and in reduction of the next contribution.

That all timber limits to be henceforward sold by the Department of Crown lands or otherwise placed under license, shall *ipso facto* be liable to such contributions for the protection of forest against fire, and shall form part of the Fire District in which they may be situated.

(Signed) GUSTAVE GRENIER,

Clerk of the Executive Council.

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TARIFF OF NOTARY'S FEES.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 25th April, 1889.

PRESENT:

The Lieutenant Governor in Council.

**H**IS Honor the LIEUTENANT-GOVERNOR, in Council, has been pleased to sanction the following tariff of notarial fees adopted by the Board of notaries of the Province of Quebec, on the 19th May, 1888, and this in pursuance of articles 3771 and 3772 of the Revised Statutes of this Province.

GUSTAVE GRENIER,

Clerk of the Executive Council.

*Notaries and their Tariff.***TARIFF OF NOTARIAL FEES IN THE PROVINCE  
OF QUEBEC.****ART. 1.***For deed of sale, promise of sale, exchange and assignment.*

When the amount stipulated in the deed or the value of the property is the sum of :

1. \$100 or less, the fee will be.....	\$ 1 00
2. Above \$100, but not exceeding \$200.....	1 50
3. Above \$200, but not exceeding \$400.....	2 00
4. Above \$400, but not exceeding \$1,000.....	3 00
5. Above \$1,000, but not exceeding \$2,000.....	4 00
6. Above \$2,000, but not exceeding \$3,000.....	5 00
7. Above \$3,000, but not exceeding \$4,000.....	6 00
8. Above \$4,000, but not exceeding \$6,000.....	7 00
9. Above \$6,000, but not exceeding \$8,000.....	8 00
10. Above \$8,000, but not exceeding \$10,000.....	10 00

And above \$10,000, an additional fee according to the amount, trouble and circumstances.

**ART. 2.***For obligations, transfer, renewal deeds.*

When the amount stipulated in the deed is :

1. \$400 or less, the fee will be.....	\$ 1 50
2. Above \$400, but not exceeding \$800.....	2 00
3. Above \$800, but not exceeding \$2,000.....	3 00
4. Above \$2,000, but not exceeding \$4,000.....	5 00
5. Above \$4,000, but not exceeding \$8,000.....	7 00
6. Above \$8,000, but not exceeding \$12,000.....	10 00

And above \$12,000, an additionnal fee according to the amount, trouble and circumstances.

**ART. 3.***For contracts and specifications.*

When the amount stipulated in the deed is :

1. \$400 or less, the fee will be.....	\$ 2 50
2. Above \$400, but not exceeding \$800.....	5 00
3. Above \$800, but not exceeding \$2,000..	6 00
4. Above \$2,000, but not exceeding \$4,000.....	8 00

*Notaries and their Tariff.*

5. Above \$4,000, but not exceeding \$6,000.....	\$10 00
6. Above \$6,000, but not exceeding \$10,000.....	12 00
And above \$10,000, an additional fee according to the amount, trouble and circumstances.	

## ART. 4.

*Leases.*

When the annual rent, whatever may be the condition or the length of the lease, or the amount in the deed, is :

1. \$100 or less, the fee will be.....	\$ 1 00
2. Above \$100, but not exceeding \$400.....	1 50
3. Above \$400, but not exceeding \$1,000.....	2 00
4. Above \$1,000, but not exceeding \$2,000.....	3 00
5. Above \$2,000, but not exceeding \$4,000.....	4 00

And above \$4,000, an additional fee according to the amount, trouble and circumstances.

## ART. 5.

*Farm Leases.*

For farms leases, the fee will be from \$2.00 to \$10.00 according to the amount, trouble and circumstances.

## ART. 6.

*Acquittances and discharges.*

When the amount stipulated in the deed is :

1. \$400 or less the fee will be.....	\$ 1 00
2. Above \$400, but not exceeding \$1,000.....	2 00
3. Above \$1,000, but not exceeding \$2,000.....	3 00
4. Above \$2,000, but not exceeding \$4,000.....	4 00
5. Above \$4,000, but not exceeding \$6,000.....	5 00
6. Above \$6,000, but not exceeding \$8,000.....	6 00

And above \$8,000, an additional fee according to the amount paid, trouble and circumstances.

## ART. 7.

*For deed of sale with constituted rents, emphyteutic leases and other deeds of like nature.*

The same fees as those stipulated in art. 3, taking for the amount the capital of the annuity or emphyteutic rent capitalized at 6%.

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*Notaries and their Tariff.*

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## ART. 8.

*For wills, codicils, marriage covenants and deeds of partnership*

The fee for deeds of this nature will be from.....\$3.00 to \$50 00 according to the value of the fortune or the succession of the testator, the advantages derived from the marriage covenants, or the extent and nature of the business of the partnership.

## ART. 9.

1. For gifts of moveable property the fee will be from.....\$2.00 to \$10 00 according to the value of the moveables or amount due or sums of money given.

2. For a simple gift of immoveable property, the fee will be from.....\$3.00 to \$12 00 according to the value of the immoveables.

And if there is reservation of usufruct or specific rent or condition, of maintenance, substitution or other condition an additional fee according to the trouble and circumstances.

## ART. 10.

*Powers of Attorney.*

For a power of attorney for a special purpose, the fee will be from.....	\$1.50 to	\$3 00
For a general power of attorney.....		8 00
For revocation of general power of attorney.....		1 50

## ART. 11.

*Apprenticeships, clerkships and transfers of the same,*

For an apprenticeship, clerkship and transfer of same the fee will be from.....\$1.00 to \$2 00

## ART. 12.

*Significations, notifications, protests and legal tenders.*

For deeds acts of signification and notification, protests and official reports of signification (except protests of notes and bills of exchange), the fee will be from.....\$3 00 to \$ 12 00 according to circumstances.

## ORDERS IN COUNCIL.

*Notaries and their Tariff.*

## ART. 13.

*Transfer of life insurance.*

1. For deeds of transfer of life insurance, the fee will be from ..... \$2 00 to \$ 4 00
2. For deed of notification of transfer of insurance from ..... \$2 00 to \$ 3 00

## ART. 14.

*Deeds of suretyship, delegation of payment, subrogations, deeds of pledge, constitution of life rent, deeds of indemnification, deeds of defeasance (contre-lettres.)*

When the amount stipulated in the deed is :

1. \$100. or less, the fee will be ..... \$ 1 00
  2. Above \$100 but not exceeding \$400 ..... 2 00
  3. Above \$400 but not exceeding \$800 ..... 3 00
  4. Above \$800 but not exceeding \$2,000 ..... 4 00
  5. Above \$2,000 but not exceeding \$4,000 ..... 5 00
  6. Above \$4,000 but not exceeding \$8,000 ..... 6 00
- And above \$8,000 an additional fee according to the amount, trouble and circumstances.

## ART. 15.

*For deeds of ratification, confirmation, compliance, cession of priority of hypothecary claims, release, waiver, renunciation, declaration and others of similar nature.*

- The fee will be from ..... \$1.00 to \$5 00 according to the circumstances.

## ART 16.

1. For deeds of declaration, of transmission of bank deposits and other financial institutions, the fee will be from ..... \$3 00 to \$ 5 00
2. For deeds of declaration of transmission of bank stocks and stocks in incorporated companies, from ..... \$3.00 to 5 00

## ART. 17.

1. For simple deeds attesting a fact. (*acte de notoriété*), the fee will be ..... \$ 2 50

*Notaries and their Tariff.*

2. For a deed attesting a fact (*acte de notoriété*) affecting rights of succession or other important interests. \$5 00

## ART 18.

*Deeds of deposit.*

1. For deeds of deposit, of..... \$ 1 50  
 2 And an additional fee, of ..... 0 50  
 for each attestation of deposit.

## ART. 19.

*Deeds of compromise and arbitration, deeds of agreement and transactions.*

1. For deeds of compromise, the fee will be from \$3.00 to \$15 00 according to the trouble and circumstances.  
 2. For award of arbitrators, according to the importance of the object in transaction, trouble and circumstances, from .....\$2.00 to 20 00

## ART. 20.

*Deeds of composition, and other deeds of settlement between creditor and debtor.*

When the amount for which the debtor compounds or upon the payment of which he obtains delay &c. is

1. \$5,000. or less, the fee will be..... \$10 00  
 2. Above \$5,000. and additional fee of \$1.00, according to the amount, trouble and circumstances.  
 3. If the number of creditors who should sign the deed be more than *Ten*, the notary has a right in addition to the above fees to a fee of \$1.00 for each additional signature of creditor, over and above the first ten, including attendance.  
 4. If the notary receives instructions to call a meeting of the creditors, for the notice to each creditor, provided the number does not exceed *Ten*, for each notice, the fee will be..... 0 50  
 5. For each additional notice..... 0 10  
 6. If the notary receives instructions to assist at the meeting of creditors, for each sitting the fee will be. 4 00

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*Notaries and their Tariff.*


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## ART. 21.

*Tutorships, curatorships. petitions to the Court, &c.*

- |   |         |
|---|---------|
| 1. For Petition or declarations for tutorships or curatorships, the fee will be.....  | \$ 3 00 |
| 2. For family council before the notary.....  | 5 00    |
| 3. For the original notice calling the meeting.....   | 1 00    |
| 4. Each copy of such notice.....  | 0 50    |
| 5. If the tutorship has more than one object, an additional fee of.....   | 2 00    |
| 6. For a petition to the Court to authorize a tutor or curator to do certain acts, other than sales under judicial authority, licitation of an immovable or any other property..... | 5 00    |
| 7. For petition to the court to obtain an order for benefit of inventory for other similar purposes from \$4.00 to.....   | 10 00   |
| according to the trouble and circumstances.   |         |
| 8. For preparing the suretyship of the beneficiary heirs..  | 2 00    |
| 9. For drawing up the notices to be given by the beneficiary heir.....  | 2 00    |
| 10. For petition for affixing of seals.....   | 5 00    |
| 11. For petition for removal of seals.....  | 3 00    |

## ART. 22.

*Inventories.*

- |   |         |
|---|---------|
| 1. For preparing the preamble, the fee will be \$10.00 to   | \$30 00 |
| 2. For each hour of attendance at, either the notary's office, or the residence of parties, an additional fee of. | 4 00    |

## ART. 23.

*Sales at auction of the moveables of successions, insolvencies, &c.*

- |   |         |
|---|---------|
| 1. For drawing up official report, the fee will be \$4.00 to..... | \$10 00 |
| For each hour of attendance at the sale an additional fee of..... | 4 00    |

## ART. 24.

*Licitations and sales under judicial authority.*

For the time and trouble devoted to the proceedings of a voluntary licitation, comprising the petition,

*Notaries and their Tariff.*

notice to relatives, expert's report, preparing the list of charges, exclusive of all travelling expenses and disbursements and exclusive of the cost of the deed of sale for which the notary has right to at least 5 00  
 the fee will be from.....\$15.00 to \$30 00  
 In addition.

1. 2 per cent on the first \$4,000. or fraction of \$4,000. of the price of each immovable;
2. 1 per cent on each additional thousand dollars or fraction of \$1,000. to the amount of \$30,000, no additional fee being allowed to the notary on any amount exceeding \$30,000 00.
3. For the sale of bank shares or other financial institutions, the fees will be the same as for immovables

## ART. 25.

*Deeds of partition, liquidation, rendering of accounts by tutors, beneficiaries, trading corporations, heirs, testamentary executors, and mandataries.*

1. For preparing the preamble or preliminary observations, the fee will be.....\$10.00 to \$30 00  
 and for each hour of vacation, an additional fee of..... 4 00

## ART. 26.

*Maritime protests, notice of protests, bottomry bonds, mortgages on vessels in course of construction. counter-letters to sale of vessels.*

1. For noting protests, the fee will be from.....\$1.50 to \$ 5 00
2. For certificates of note of protest from.....\$2.50 to 3 50
3. For maritime protests, extension of protest from \$8.00 77 77  
 to..... 60 00
4. For report of surveyor or arbitrator in maritime cases, 77 77  
 from.....\$5.00 to 10 00
5. For bottomry bonds, according to the amount, from.....\$15.00 to 30 00
6. For mortgage on vessels in course of construction, counter-letters to sale of vessels, the same fee as for the sale of immovables.

## ART. 27.

*Declaration required for registration.*

1. For all declarations of death or other declarations, or notice required by the Civil Code for registration, the fee will be, from.....\$1.00 to \$ 3 00

*Notaries and their Tariff.*

- |   |      |
|---|------|
| 2. And for each description of an immoveable in addition to the first.....  | 0 50 |
| 3. For declaration made under and by virtue of the Statutes of Canada, 37 Victoria, chap. 37, if the same contains 200 words or less..... | 1 00 |
| 4. And for each 100 words in addition.....  | 0 50 |

## ART. 28.

In all deeds, when not otherwise provided for in the present tariff, the notary has the right to an additional fee of..... 0 50

On each description of immoveable property in addition to the first, and the same for each intervention and for each transfer of insurance.

## ART. 29.

*Reports of practitioners.*

- |   |         |
|---|---------|
| 1. For drawing of practitioner's report, observations and informations, &c., the fee will be \$5.00 to..... | \$20 00 |
| 2. If the time devoted exceeds 6 hours, an additional fee of..... per hour.                                 | 4 00    |

## ART. 30.

*Expeditions, copies, extracts, comparing deeds, attendance. travelling expenses of the notary.*

In addition to the fees hereinabove mentioned for the original of deeds, each notary has the right to charge :

- |  |        |
|--|--------|
| 1. For all copies of deeds .....   | \$0 15 |
| Per 100 words ; and..... for comparing and each certificate of authenticity, no copy being less than \$1.00  | 0 50   |
| 2. For an authentic extract of a deed delivered by the notary, 30 cents per 100 words and 50 cts. for the certificate of authenticity.   |        |
| 3. For hearing the parties, examining titles, deeds and papers, receiving instructions, &c., preparing a deed, summary or other document, for each hour employed \$1.00.                       |        |
| 4. For the search of a deed when the date is given 20 cents, and a like sum for each additional year not exceeding 5 years, when the date is not given, and 10 cents for each additional year. |        |

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*Notaries and their Tariff.*

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5. For assisting at the execution of a will or a codicil, or of an inventory, the second notary has the right to \$2.00 for the first hour and \$1.00 per hour for the rest of the time.
6. In all other cases, whenever the notary attends in order to execute a deed, or attends for the purpose of any deed, out of his office, when the time employed does not exceed one hour, he has a right to \$1.00, and \$1.00 for each additional hour, with the same fees for time of return.
7. When there is no special fee already fixed by the tariff, each notary has the right to a fee of \$1.00 for each attendance at the registry office, at the court house, or elsewhere for professional business, when the time employed does not exceed one hour, and when it does, \$1.00 for each additional hour.
8. Whenever the notary, for the execution of a deed or other professional duty, has to go further than a quarter of a mile from his office, he has a right to travelling and other expenses.
9. When the notary is required to exercise his profession by night, he shall have a right to double the amount of the fees allowed during the day and travelling expenses.
10. In addition to the fees above fixed, each notary has a right to professional fees according to his care, trouble, examination, reading of documents, sittings, conferences, vacations, correspondences, researches, and work which he may have done, or according to the exceptional responsibility he may have incurred in the course of the business, or finally according to the importance of the matter entrusted to him.
11. The present tariff will be cited as follows : Tariff of notarial fees in the Province of Quebec, of 1888 ;
12. The present tariff will enter into force in conformity with the provisions of the notarial code, and the tariff adopted by the board of notaries, on the 20th May, 1881, will remain then suspended during all the time the present tariff will remain in force.

The whole humbly submitted,

(Signed), L. O. TETU.

President of the special committee  
for the preparation of a tariff.

(True copy), (Signed), J. B. DELAGE,  
S. B. N.

(True copy), (Signed), GUSTAVE GRENIER,  
C. E. C.



# STATUTES

OF THE

## PROVINCE OF QUEBEC,

PASSED IN THE

Fifty-Third Year of the Reign of Her Majesty

QUEEN VICTORIA;

AND IN THE

FOURTH SESSION OF THE SIXTH LEGISLATURE,

BEGUN AND HOLDEN, AT QUEBEC, ON THE SEVENTH DAY OF JANUARY, AND CLOSED BY  
PROROGATION ON THE SECOND DAY OF APRIL, IN THE YEAR OF OUR LORD  
ONE THOUSAND EIGHT HUNDRED AND NINETY.



HIS HONOR  
THE HONORABLE AUGUSTE RÉAL ANGERS,  
LIEUTENANT-GOVERNOR.

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QUEBEC:

PRINTED BY CHARLES FRANÇOIS LANGLOIS,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1890.





ANNO QUINQUAGESIMO TERTIO

## VICTORIÆ REGINÆ.

### CAP. I.

An Act granting to Her Majesty the moneys required for the expenses of the Government for the financial years ending on the 30th June, 1890, and on the 30th June, 1891, and for other purposes connected with the public service.

[Assented to 2nd April, 1890.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears, by messages from His Honor, Preamble.  
the Honorable Auguste Réal Angers, Lieutenant-Governor of this Province, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Government of the Province, not otherwise provided for, for the financial years ending on the 30th June, 1890, and on the 30th June, 1891, and for other purposes connected with the public service; May it, therefore, please Your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislature of Quebec, that:

1. From and out of the consolidated revenue fund of \$296,583.84 for the year ending 30th June, 1890, may be taken out of consolidated revenue fund.  
this Province, there shall and may be taken a sum, not exceeding in the whole two hundred and ninety-six thousand, five hundred and eighty-three dollars and eighty-four cents, for defraying the charges and expenses of the Government and public service of the Province, for the financial year ending on the 30th June, 1890, as set forth in Schedule A, annexed to this act.

2. From and out of the consolidated revenue fund of \$2,847,315.92 for the year ending 30th June, 1891, may be taken out of the con.  
this Province, a sum, not exceeding in the whole two millions, eight hundred and forty-seven thousand, three hundred and fifteen dollars and ninety-two cents, may be

**solidated re-  
venue fund.**

taken for defraying during the financial year, ending on the 30th June, 1891, the charges and expenses of the Government and public service of the Province, as set forth in Schedule B, annexed to this act.

**Payments to be considered as made subject to settlement of accounts with the Dominion and Ontario.**

**3.** Every payment or application of moneys, appropriated by this act, shall be held to be made provisionally, and subject to all adjustment in account hereafter, in respect of the Dominion and of the Province of Ontario, and of special funds, which this act may in any manner affect.

### Accounts to be rendered to the Legislature.

Accounts to be rendered to the Legislature. 4. Accounts, in detail, of all moneys expended under the authority of this act, shall be laid before both Houses of the Legislature of the Province, at the next session thereof.

**Moneys expended to be accounted for to Her Majesty.**

5. The application of all sums expended under the authority of this act shall also be accounted for to Her Majesty.

**Coming into  
force.**

**6.** This act shall come into force on the day of the sanction thereof.

# Wagyu Genome

## SCHEDULE A.

Sums granted to Her Majesty, by this act, for the fiscal year ending on the 30th June, 1890, with indication of the purposes for which they are granted.

No.	SERVICE.	—	—	Total
		\$ cts.	\$ cts.	\$ cts.
	I.—LEGISLATION.			
	<i>Legislative Assembly :</i>			
1	Printing and binding, per Resolution of the Legislative Assembly of 15th January, 1890. ....		20,000 00	
2	Expenses of elections. ....		2,500 00	22,500 00
	II.—CIVIL GOVERNMENT.			
3	Contingencies of Departments. ....			11,632 50
	III.—ADMINISTRATION OF JUSTICE, &c.			
4	Administration of Justice. ....		34,000 00	
5	Police. ....		3,000 00	37,000 00
	IV.—PUBLIC INSTRUCTION.			
6	Ecole des Frères de l'Islet. ....			300 00
	V.—COLONIZATION.			
7	Colonization Roads. ....			2,000 00
	VI.—PUBLIC WORKS AND BUILDINGS.			
8	Rents, insurances, repairs, &c., of Public Buildings. ....		17,000 00	
9	Repairs of Court Houses and Goals. ....		21,398 36	
10	Insurances of do. ....		2,408 76	40,807 12
	Carried over. ....			114,239 68

SCHEDULE A.—*Continued.*

No.	SERVICE.	—		Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward .....			114,239.63
	VIII.—MISCELLANEOUS SERVICES.			
11	Miscellaneous generally :			
	H. A. Brault, N. P., fees, &c., re expropriation of right of way of Canadian Pacific Railway, on the Leduc Farm.....	40 00		
	James Dunbar, Q. C., advance on fees re Climon's Petition of Right re The New Departmental Buildings.....	500 00		
	Robitaille, St. George & Roy, advocates, fees, &c., on Petition of Right of Parent <i>et al.</i> , re sale of the Jacques-Cartier Normal School Notre-Dame street, Montreal.....	100 00		
	P. E. Normandeau & J. A. Isaacson, JJ. PP., sitting in cases re the infringement of the law during the small-pox epidemic at Montreal.....	520 00		
	Belleau & Co., advance on printing five volumes of manuscripts of the Chevalier de Lévis.....	1,500 00		
	Revd. H. R. Casgrain, "Journal et Lettres du Chevalier de Lévis".....	1,614 80		
	H. J. J. B. Chouinard, for 500 copies of 2nd series of "Fête Nationale".....	500 00		
	Revd. J. Bachand, for maintenance and repairs of School at St. Edouard de Knowlton.....	300 00		
	Mgr Hamel, for 100 copies of "Canada Français" and 100 copies of "documents inédits".....	275 00		
	Manuel de la Cour des Commissaires (Chagnon's).....	375 00		
	F. Vidal two pages in l'Annuaire Didot Pothin, Paris.....	1,000 00		
			6,724 80	
12	Inspection of Railway.....		500 00	
13	Registration Service, through Crown Lands Department, to make new plans and cadastres of the division of the Registry Office of Megantic, destroyed by a recent fire.....	1,000 00		
	Carried over .....	1,000.00	7,224.80	114,239.63

SCHEDULE A.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	1,000 00	7,224 80	114,239 63
	VIII.—MISCELLANEOUS SERVICES.— <i>Continued.</i>			
14	General Expenditure, through Crown Lands Department.....	50,832 20		
15	Suspense account, through Crown Lands Department.....	2,000 00		
16	Protection of Forests (to be reimbursed by License holders) through Crown Lands Department....	5,000 00	58,832 20	
17	Transcription, binding, &c., of Registers and documents, &c., Morton, Phillips and Bulmer's account for work for the Registry Office, Montreal West.....		5,154 72	
18	Help to the distressed people of the Labrador Coast,—Whitehead and Turner's account for provisions, &c.....		3,944 00	75,155 72
	IX.—SPECIAL EXPENDITURE.			
19	Corporation of the city of St. John's.—Indemnity for loss by fire in 1876, according to promises made by the Government in 1885, on the occasion of the settlement of the Municipal Loan Fund .....		3,500 00	
20	New Map of the Province of Quebec, balance required to complete... ..		2,200 00	
21	Spencer Wood, balance for construction of hot-house and cellar for vegetables.....		6,231 00	
22	Kamouraska Circuit Court House and Registry Office, for contractor's claims.....		1,500 00	
23	New Parliament Buildings, Quebec, construction... ..		50,000 00	
24	Installation of both Houses of the Legislature, including new seats and desks made and due....		4,040 00	
25	New Court House, Quebec, balance due F. Parent on first contract for the surrounding walls, &c. ....		6,617 50	
26	Night Schools.....		20,000 00	
	Carried over.....		94,688 50	180,395 34

## SCHEDULE A.—Continued.

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....		94,683 50	189,395 34
	IX.—SPECIAL EXPENDITURE.—Continued.			
27	Printing, binding and distributing the Laws.—On 1st July, 1878, there was no appropriation available for the printing of the laws for that year. During the second session of 1878, the Legislature, instead of providing for 1878, merely voted the amount required for 1879. Ever since, the amounts intended to pay for the expenditure of the current year, have had to be employed to pay for the expenditure of one other session. In order to put things into proper shape, it is now necessary that the omission in 1878, be corrected by now voting the amount demanded.....		6,500 00	101,188 50
	X.—RAILWAYS.			
	Quebec, Montreal, Ottawa and Occidental Railway, Construction :			
28	Estate Baptist Son & Co., right of way for loop-line, Three Rivers.....		3,000 00	
29	Balance due Estate Legge.....		1,000 00	
30	To meet costs of pending suits.....		2,000 00	6,000 00
	Total.....			296,583 84

## SCHEDULE B.

Sums granted to Her Majesty, by this act, for the fiscal year ending on the 30th June, 1891, with indication of the purposes for which they are granted.

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
I.—LEGISLATION.				
<i>Legislative Council :</i>				
1	Speaker's salary.....	1,000 00		
2	Salaries and contingencies, including printing, binding, &c.....	18,070 00	19,070 00	
<i>Legislative Assembly :</i>				
3	Speaker's salary.....	1,000 00		
4	Salaries and contingencies, including printing, binding, &c.....	87,338 10	88,338 10	
<i>Library of the Legislature :</i>				
5	For the purchase of books.....	2,000 00		
6	Salaries, contingencies, binding, &c.....	5,800 00	7,800 00	
7	Expenses of Elections .....		2,500 00	
8	Clerk of the Crown in Chancery,—Salary.....		260 00	
<i>Queen's Printer :</i>				
9	Printing, binding and distributing the laws.....		6,500 00	
<i>Law Clerk of the Legislature :</i>				
10	Salaries of office .....	3,500 00		
11	Contingencies, including sessional clerk.....	500 00	4,000 00	
				128,458 10
	Carried over .....			\$128,458 10

SCHEDULE B.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....			128,458 10
	II.—CIVIL GOVERNMENT.			
12	Salaries.....		3,150 00	
13	Contingencies.....		50,000 00	
				53,150 00
	III.—ADMINISTRATION OF JUSTICE, &c.			
14	Administration of justice.....		399,603 73	
	<i>Police :</i>			
15	Judge of the Sessions of the Peace, Quebec ; Police Magistrates, Montreal ; their salaries those of their officers and contingencies.....		20,315 00	
16	Reformatory Prisons for boys, Industrial and Reformatory schools for boys and girls, agri- cultural orphanage at Notre Dame de Mont- fort.....		75,000 00	
17	Inspection of public offices.....		9,000 00	
				508,918 73
	IV.—PUBLIC INSTRUCTION, &c.			
	<i>Superior Education :</i>			
18	Superior Education : Five per cent of the Roman Catholic share of this fund to be an- nually retained, to be distri- buted, in such proportion as the Lieutenant-Governor in Council may be pleased to determine, among the institutions for Deaf Mutes and the Blind in Ro- man Catholic Institutions in the Province ; and five per cent of the share of Roman Ca- tholics in the Superior Educa- tion Fund may be employed by the Provincial Secretary			
	Carried over.....			685,536 83

SCHEDULE B.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....			685,526 83
	•			
	IV.—PUBLIC INSTRUCTION, &c.— <i>Continued.</i>			
	<i>Superior Education :—Continued.</i>			
	•			
	in the purchase of books, written and published in the Province, to be distributed as prizes to the institutions which shall have contributed to such sum of five per cent, and \$6,000 shall be paid out of the said share of the said fund to the Polytechnic School, less five per cent.			
	Of the portion apportioned to Protestant Superior Education, \$200 shall be applied in aid of the Provincial Teachers' Association, and \$700 towards the salary of an Inspector of Superior Schools, Academies, &c.....	\$71,000 00		
19	High schools ; Quebec and Montreal.....	2,470 00		
20	Compensation to Roman Catholic Institutions for grants to High Schools, out of which \$2,000 for the Law Faculty of Laval University, Montreal....	4,940 00		
		78,410 00		
21	Public Schools : Five per cent of the share of Roman Catholics in this sum shall be annually retained to be distributed, in such proportion as the Lieutenant Governor in Council may be pleased to determine, among the Roman Catholic institutions for Deaf Mutes and the Blind in the Province.....	160,000 00		
22	Schools in poor municipalities.....	8,000 00		
23	Normal Schools.....	43,000 00		
24	Inspection of Schools.....	32,000 00		
25	Superannuated Teachers.....	8,000 00		
26	Books for prizes.....	7,500 00		
27	Schools for the deaf and dumb, including \$200 for Ste-Marie, Beauce.....	12,200 00		
	Carried over.....	349,110 00		685,526 83

SCHEDULE B.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	349,110 00	.....	685,526 83
	IV.—PUBLIC INSTRUCTION, &c.— <i>Continued.</i>			
28	School for the deaf and dumb, Mile End, Montreal .....	500 00		
29	School for deaf and dumb girls, Sisters of Providence, Montreal.....	500 00		
30	Council of Public Instruction .....	2,000 00		
31	<i>Enseignement primaire</i> , Quebec .....	750 00		
32	Educational Record, Montreal.....	750 00		
33	Journal de l'Instruction publique, Montréal....	750 00		
34	Inspectors' Congress.....	500 00		
35	Scholastic Museum.....	600 00		
36	Printing school regulations, blank forms, &c., necessitated by the codification and changes in the Educational laws.....	500 00		
37	Collège Commercial de St. Barthéleml, to build.	200 00		
38	Sœurs des Petites Ecoles, Rimouski.....	200 00		
39	College St. Rémi, Napierville, to build.....	500 00		
40	Orphelinat de Marieville, Rouville, to build ...	200 00		
41	Asylum of the town of St. Henri, Montreal, to build.....	200 00		
42	Convent Ste. Anne de St. Félix de Valois, to build.....	200 00		
43	Commercial Academy, Beauharnois, to build..	200 00		
44	Commercial College, Roxton, to build.....	200 00		
45	Convent St. Cyprien, Napierville County, to build.....	500 00		
46	Convent St. Norbert, Berthier County, to build.....	200 00		
47	College of Joliette, towards the construction of a department for a commercial course.....	2,000 00		
	Carried over .....	360,560 00	.....	685,526 83

SCHEDULE B.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	360,560 00	.....	685,536 83
	IV.—PUBLIC INSTRUCTION, &c.— <i>Continued.</i>			
48	Convent St. Jean Baptiste Roxton, to build....	200 00		
49	Frères Maristes, Upton, to build.....	200 00		
50	Commercial College, Varennes, to build.....	2,000 00		
51	Chicoutimi College, to build, 3rd payment out of four.....	1,000 00		
52	Commercial College, Saint Vincent de Paul, towards building, 2nd payment out of 3 equal.	500 00		
53	Commercial College of St. Cuthbert, to build..	1,000 00		
54	Commercial College, West Farnham, to build a wharf to save the College from being destroyed by the waters of Yamaska River.....	1,500 00		
55	Redemptorist Fathers, Montreal, towards building a school at Point St. Charles .....	1,000 00		
56	Arthabaskaville College, towards building ....	250 00		
57	St. Jean de Matha Convent, towards building..	400 00		
58	Convent of L'Assomption, towards building a school .....	250 00		
59	R. C. High School, Granby, towards building..	250 00		
60	Collège St. Michel de Bellechasse.....	150 00		
61	Collège Commercial St. François de St. Denis, county St. Hyacinthe.....	300 00		
62	Ursulines Roberval, towards completing building, first payment out of two.....	1,250 00		
63	Printing 2000 copies of the Annual Report of the Superintendent of Public Instruction....	500 00		
64	Ecole des Frères de l'I-let.....	300 00		
65	Collège St. Joseph de Lévis.....	250 00		
66	Petits Frères Maristes d'Iberville....	500 00		
67	Convent of St. Michel de Bellechasse.....	150 00		
68	Collège Commercial de Boucherville.....	500 00		
69	Convent of de Boucherville.....	500 00		
	Carried over.....	373,510 00	.....	685,536 83

## SCHEDULE B.—Continued.

No	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	373,510 00	.....	685,526 83 •
	IV.—PUBLIC INSTRUCTION, &c.—Continued.			
70	Collège St. Ferdinand d'Halifax.....	200 00		
71	McKay institution for Protestant Deaf Mutes and the Blind, Montreal.....	3,000 00		
72	Convent at Carleton.....	100 00		
73	School municipality of the town of Laurentides, to open a practical Commercial School.....	500 00		
74	Protestant Academy of Granby, towards building .....	300 00		
			377,610 00	
	<i>Literary and Scientific Institutions :</i>			
75	Copying, printing and publishing Canadian Archives.....	6,000 00		
76	School of Navigation, Quebec.....	1,000 00		
77	Natural History Society, Montreal.....	400 00		
78	Le Naturaliste Canadien, conditionally.....	400 00		
79	Provincial Rifle Association.....	300 00		
80	Institut Canadien, Quebec.....	500 00		
81	Literary and Historical Society, Quebec.....	500 00		
82	Académie de Musique, Quebec.....	100 00		
83	Geographical Society, Quebec.....	200 00		
84	Cercle de la Salle, Quebec.....	250 00		
85	St. Patrick's Literary Institute, Quebec.....	300 00		
86	Hemmingford Mechanics' Institute and Library Association.....	200 00		
87	Montreal College of Pharmacy.....	250 00		
88	L'Œuvre du Patronage, Quebec.....	250 00		
89	Bibliothèque des Ouvriers, St-Roch de Quebec.....	2,000 00		
90	L'Union Commerciale de Québec, towards buying books.....	500 00		
91	Septuor Haydn.....	100 00		
			13,250 00	
	Carried over.....	.....	300,860 00	685,526 83

SCHEDULE B.—*Continued.*

No.	SERVICE.	—		Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....		390,860 00	685,526 83
	IV.—PUBLIC INSTRUCTION, &c.— <i>Continued.</i>			
	<i>Arts and Manufactures :</i>			
92	Board of Arts and Manufactures, comprising teaching of fine Arts applied to industry.....		10,000 00	400,860 00
	V.—AGRICULTURE, IMMIGRATION, REPATRIATION AND COLONIZATION.			
93	Towards carrying out provisions of the Quebec Factories' Act. R. S. Q., Title 7, chap. 2, sec. 4.....		5,000 00	
94	Horticultural and Pomological Society, Montreal. R. S. Q., Title 4, chap. 7, sec. 6.....		500 00	
95	Council of Agriculture .....		3,000 00	
96	Journals of Agriculture.....		4,000 00	
97	Agricultural Schools.....		2,400 00	
98	Agricultural Schools to pay labor of pupils.....		3,000 00	
99	Veterinary Schools and professors.....		6,000 00	
100	Aid to <i>Gazette des Campagnes</i> .....		750 00	
101	Butter and cheese factories.....		5,000 00	
102	Dairy Association of the Province of Quebec ..		1,500 00	
103	Encouragement of the culture of fruit trees and vines .....		500 00	
104	Lectures on Agriculture.....		1,000 00	
105	Golden or Canadian Herd-Book,—to meet costs of board appointed for this purpose ; printing bulletins, &c., and veterinary surgeon's salary.....		1,000 00	
106	Horticultural Society, Quebec.....		250 00	
107	Permanent Exhibition Committee.....		4,000 00	
108	Towards procuring vaccine.....		2,000 00	
109	Board of Health under R. S. Q., Title 7, chap. 3, sec. 1.....		6,000 00	
	Carried over.....		45,900 00	1,086,386 83

SCHEDULE B.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....		45,900 00	1,086,386 83
	V.—AGRICULTURE, IMMIGRATION, REPATRIATION AND COLONIZATION.— <i>Continued.</i>			
110	Immigration, Montreal and Quebec offices.....		4,000 00	
111	Immigration, to encourage the immigration of French, English and other farmers.....		3,000 00	
112	Repatriation.....		2,500 00	
113	Women's protective immigration society, Que- bec.....		250 00	
114	Additional purses to the new pupils of Agricul- tural Schools.....		3,300 00	
115	Provincial Exhibition, Montreal, provided the Government does not pay more than the city of Montreal.....		10,000 00	
116	Provincial Agricultural merit.....		5,000 00	
117	Manual of Agriculture.....		1,000 00	
118	Colonization Roads.....		100,000 00	
119	Colonization Societies generally.....		11,000 00	
120	Towards draining Norton Creek, County of Cha- teauquay, in order to reclaim 5,000 acres of alluvial soil; 4th payment out of five equal.....		500 00	
121	Aid towards the building of a steamboat to navigate on Lake St. John; 3rd payment out of five equal.....		1,000 00	
122	Saguenay Maritime Road; 4th payment out of five equal.....		3,000 00	
123	Main road, in the interior of the counties of Gaspé and Bonaventure, from Cascapédiac to Gaspé.....		2,000 00	
124	Topography, reports, statistics, &c., on the progress of the country in general and of colonization specially.....		2,000 00	
125	Arboriculture.....		150 00	
126	Deepening River La Tortue, \$1,000 in two pay- ment, 1st payment.....		500 00	
127	Deepening River des Hurons, at St. Jean-Bap- tiste village.....		3,000 00	
				198,100 00
	Carried over.....			1,284,486 83

## SCHEDULE B.—Continued.

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward. ....			1,384,486 83
	VI.—PUBLIC WORKS AND BUILDINGS.			
128	Rents, insurances, repairs, &c., of buildings generally. ....		70,000 00	
129	Inspections, surveys, &c. ....		3,000 00	
130	Repairs of Court Houses and Gaols. ....		20,000 00	
131	Insurances of do. ....		1,000 00	
132	Rents of do. ....		906 76	94,906 76
	VII.—CHARITIES.			
133	Lunatic Asylums : Beauport, St. Jean de Dieu, St. Ferdinand d'Halifax, Belmont Retreat, and Hôtel-Dieu de St. Vallier for idiots. ....		210,000 00	
	Miscellaneous :			
134	Corporation of General Hospital, Montreal. ....	5,000 00		
135	Indigent Sick, do. ....	2,240 00		
136	St. Patrick's Hospital. do. ....	1,120 00		
137	Sœurs de la Providence, do. ....	784 00		
138	St. Vincent de Paul Asylum, do. ....	420 00		
139	Protestant House of Industry and Refuge, do. ....	560 00		
140	Protestant House for friendless women, do. ....	140 80		
141	St. Patrick's Orphan Asylum, do. ....	448 00		
142	The Montreal Maternity, do. ....	336 00		
143	Magdalen Asylum (Bon Pasteur), do. ....	504 00		
144	Roman Catholic Orphan Asylum, do. ....	224 00		
145	Sœurs de la Charité, do. ....	560 00		
146	do for their foundling hospital, do. ....	140 00		
	Carried over. ....	12,476 00	210,000 00	1,379,393 59

## SCHEDULE B.—Continued.

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward .....	12,476 00	210,000 00	1,379,393 59
	VII.—CHARITIES.—Continued.			
	Miscellaneous :—Continued.			
147	Protestant Orphan Asylum, Montreal .....	448 00		
148	Lying in Hospital, care Sœurs de la Miséricorde, do .....	511 00		
149	Bonaventure Street Asylum, do .....	301 00		
150	Nazareth Asylum for destitute children, do .....	280 00		
151	School for the blind, Nazareth Asylum, do .....	1,390 00		
152	Work-room for the blind, Nazareth Asylum, do .....	300 00		
153	Montreal Dispensary, do .....	160 00		
154	Montreal Ladies' Benevolent Society, do .....	596 00		
155	Hervey Institute, do .....	224 00		
156	St. Bridget's Asylum, do .....	560 00		
157	Frères de la charité de St. Vincent de Paul, do .....	350 00		
158	Hospice de Bethléem, do .....	350 00		
159	Hospice de St. Joseph du Bon Pasteur, do .....	140 00		
160	Petites Sœurs des pauvres, do .....	70 00		
161	Protestant Infants' Home, do .....	280 00		
162	The Western Hospital, do .....	350 00		
163	Church Home, do .....	140 00		
164	Eye and Ear Institution, do .....	250 00		
165	Notre-Dame Hospital, do .....	5,000 00		
166	Hôtel-Dieu, do .....	1,400 00		
167	Hospice St. Charles, do .....	850 00		
	Carried over .....	25,925 00	210,000 00	1,379,393 59

## SCHEDULE B.—Continued.

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	25,925 00	210,000 00	1,379,393 59
	VII.—CHARITABLES :—Continued.			
	Miscellaneous :—Continued.			
168	Ladies' Hebrew Benevolent Society, Montreal....	250 00		
169	Sœurs de la Miséricorde, towards keeping foundlings, do .....	500 00		
170	Sœurs de la Providence, corner of St. Catherine & Fullum Sts., do .....	300 00		
171	Young men's Hebrew Benevolent Society, do .....	250 00		
172	Sheltering Home, do .....	300 00		
173	Pembroke Hospital.....	90 00		
174	Charitable Ladies Association of the Roman Catholic Orphan Asylum and Nazareth Asylum, Quebec.....	798 00		
175	Indigent Sick, do .....	2,240 00		
76	Asylum of the Good Shepherd, do .....	660 00		
177	Ladies' Protestant Home, do .....	525 00		
178	Male Orphan Asylum, do .....	294 00		
179	Finlay Asylum, do .....	294 00		
180	Protestant Female Orphan Asylum, do .....	294 00		
181	St. Bridget's Asylum, do .....	700 00		
182	Dispensary, do .....	140 00		
183	Sœurs de la charité, do .....	180 00		
184	Sisters of Charity, for widows and infirm persons, do .....	280 00		
185	Hôpital du Sacré-Cœur de Jésus, do .....	700 00		
186	do Dispensary, do .....	140 00		
187	do Lying-in Hospital, do .....	140 00		
188	Women's Christian Association, do .....	140 00		
	Carried over.....	34,940 00	210,000 00	1,379,393 59

## SCHEDULE B.—Continued.

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	94,940 00	210,000 00	1,379,393 59
	VII.—CHARITIES.—Continued.			
	Miscellaneous:—Continued.			
189	Belmont Retreat Inebriate Asylum, Quebec..	490 00		
190	Lying-in Hospital, care of the Ladies of the Good Shepherd, do ..	1,659 83		
191	Orphan Asylum, care of Sisters of charity, do ..	250 00		
192	Ouvres des Tabernacles, do ..	200 00		
193	General Hospital, do ..	1,000 00		
194	Indigent Sick, Asile de la Providence, Three-Rivers	1,750 30		
195	Seurs de la Charité, for their lying-in Hospital, do ....	280 00		
196	General Hospital, Sorel.....	490 00		
197	St. Hyacinthe Hospital, St. Hyacinthe.	350 00		
198	Orphan Asylum, do ..	140 00		
199	Ouvroir de St. Hyacinthe, do ..	140 00		
200	Hôtel-Dieu, Nicolet.....	200 00		
201	Distributing Home for orphans, Knowlton...	140 00		
202	Hospice Youville, St. Benoit....	140 00		
203	Asile de la Providence, Côteau du Lac.	210 00		
204	Hospice St. Joseph, Beauharnois..	140 00		
205	Hospice Ste. Marie, Ste. Marie de Monnoir.	140 00		
206	Asile de la Providence, Mascouche...	140 00		
207	Hôpital St. Jean, St. John's.....	140 00		
208	Sisters of Charity, do .....	140 00		
209	Hospice La Jemmerais, Varennes.....	140 00		
210	Hospice des Seurs de la Providence, St. Vincent de Paul.	140 00		
	Carried over.....	43,859 33	210,000 00	1,379,393 59

SCHEDULE B.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	43,359 33	210,000 00	1,379,393 59
	VII.—CHARITIES.— <i>Continued.</i>			
	Miscellaneous :—Continued.			
211	Hôpital de la Providence, Joliette .....	140 00		
212	Hospice de Laprairie, Laprairie .....	200 00		
213	Hôpital St. Joseph, Chambly .....	140 00		
214	Nazareth Asylum (Salle d'asile des petits enfants), do .....	70 00		
215	Asile de la Providence, Ste. Elizabeth.	140 00		
216	Sœurs de la Providence de N. D. de l'Assomption .....	140 00		
217	Asile de la Providence, Ste. Ursule...	140 00		
218	Hôpital de Ste. Anne de Lapocatière, Ste. Anne.	140 00		
219	Sœurs de la charité, Rimouski ....	350 00		
220	Hôpital de St. Ferdinand d'Halifax, St. Ferdinand...	140 00		
221	Hospice de Yamachiche, Yamachiche...	140 00		
222	Sherbrooke Hospital and Orphan Asylum, Sherbrooke .....	350 00		
223	Sœurs de la Charité, Lanoraie .....	140 00		
224	Hôpital St. Paulin, St. Paulin .....	140 00		
225	Hôpital de Longueuil, Longueuil .....	140 00		
226	Nazareth Asylum (Salle d'asile des petits enfants), do .....	70 00		
227	Hôpital de St. François du Lac, St. François...	140 00		
228	Hôpital St. Louis, St. Denis ...	140 00		
229	Sœurs Grises de Farnham .....	140 00		
230	Hôpital St. Joseph de la Délivrance, Levis .....	210 00		
231	Hôtel Dieu St. Valier, Chicoutimi ..	140 00		
	Carried over .....	46,709 33	210,000 00	1,379,393 59

SCHEDULE B.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward .....	34,940 00	210,000 00	1,379,393 59
	VII.—CHARITIES.— <i>Continued.</i>			
	Miscellaneous:— <i>Continued.</i>			
189	Belmont Retreat Inebriate Asylum, Quebec..	490 00		
190	Lying-in Hospital, care of the Ladies of the Good Shepherd, do ..	1,659 33		
191	Orphan Asylum, care of Sisters of charity, do ..	250 00		
192	Ouvres des Tabernacles, do ..	200 00		
193	General Hospital, do ..	1,000 00		
194	Indigent Sick, Asile de la Providence, Three-Rivers	1,750 30		
195	Sœurs de la Charité, for their lying-in Hospital, do ....	280 00		
196	General Hospital, Sorel.....	490 00		
197	St. Hyacinthe Hospital, St. Hyacinthe.	350 00		
198	Orphan Asylum, do ..	140 00		
199	Ouvroir de St. Hyacinthe, do ..	140 00		
200	Hôtel-Dieu, Nicolet.....	200 00		
201	Distributing Home for orphans, Knowlton...	140 00		
202	Hospice Youville, St. Benoit....	140 00		
203	Asile de la Providence, Côteau du Lac.	210 00		
204	Hospice St. Joseph, Beauharnois..	140 00		
205	Hospice Ste. Marie, Ste. Marie de Monnoir.	140 00		
206	Asile de la Providence, Mascouche...	140 00		
207	Hôpital St. Jean, St. John's.....	140 00		
208	Sisters of Charity, do .....	140 00		
209	Hospice La Jemmerais, Varennes.....	140 00		
210	Hospice des Sœurs de la Providence, St. Vincent de Paul.	140 00		
	Carried over .....	43,359 33	210,000 00	1,379,393 59

SCHEDULE B.—*Continued.*

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	43,359 33	210,000 00	1,379,393 59
	VII.—CHARITIES.— <i>Continued.</i>			
	Miscellaneous :— <i>Continued.</i>			
211	Hôpital de la Providence, Joliette .....	140 00		
212	Hospice de Laprairie, Laprairie.....	200 00		
213	Hôpital St. Joseph, Chambly.....	140 00		
214	Nazareth Asylum (Salle d'asile des petits enfants), do .....	70 00		
215	Asile de la Providence, Ste. Elizabeth.....	140 00		
216	Sœurs de la Providence de N. D. de l'Assomption.....	140 00		
217	Asile de la Providence, Ste. Ursule...	140 00		
218	Hôpital de Ste. Anne de Lapocatière, Ste. Anne.....	140 00		
219	Sœurs de la charité, Rimouski ....	350 00		
220	Hôpital de St. Ferdinand d'Halifax, St. Ferdinand....	140 00		
221	Hospice de Yamachiche, Yamachiche..	140 00		
222	Sherbrooke Hospital and Orphan Asylum, Sherbrooke.....	350 00		
223	Sœurs de la Charité, Lanoraie.....	140 00		
224	Hôpital St. Paulin, St. Paulin.....	140 00		
225	Hôpital de Longueuil, Longueuil....	140 00		
226	Nazareth Asylum (Salle d'asile des petits enfants), do .....	70 00		
227	Hôpital de St. François du Lac, St. François...	140 00		
228	Hôpital St. Louis, St. Denis ...	140 00		
229	Sœurs Grises de Farnham.....Farnham..	140 00		
230	Hôpital St. Joseph de la Délivrance, Levis.....	210 00		
231	Hôtel Dieu St. Valler, Chicoutimi ..	140 00		
	Carried over .....	46,709 33	210,000 00	1,379,393 59

## SCHEDULE B.—Continued.

No	SERVICE.	—	—	Total
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....	46,709 38	210,000 00	1,379,398 59
	VII.—CHARITIES.—Continued.			
	Miscellaneous :—Continued.			
232	Hôtel Dieu d'Arthabaskaville.....	250 00		
233	Hôpital du Sacré-Cœur, Québec.....	180 00		
234	Hospice de la Baie St. Paul, for old and infirm persons.....	250 00		
			47,389 38	257,389 33
	VIII.—MISCELLANEOUS SERVICES.			
235	Miscellaneous generally.....		20,000 00	
236	Agent in France ; salary and allowance for office.....		2,500 00	
237	Municipalities' Fund, (R. S. Q., Art. 2744.).....		2,500 00	
238	Registration service, through Crown Lands' Department.....	30,000 00		
239	Surveys, through Crown Lands' Department ..	45,000 00		
240	General Expenditure..... do .....	86,000 00		
241	Fisheries, do .....	3,000 00		
242	Suspense Account do .....	15,000 00		
243	Protection of forests do .....	10,000 00		
			189,000 00	
244	Quebec Official Gazette.....		15,800 00	
245	Stamps, licenses, &c.....		10,000 00	
246	Inspection of Railways.....		1,000 00	
247	Fraserville Hospital, building.....		500 00	
248	Temiscaming Hospital, do .....		500 00	
249	Hôtel Dieu, St. Hyacinthe, do .....		500 00	
	Carried over.....		242,300 00	1,636,782 92

## SCHEDULE B.—Continued.

No	SERVICE.	—	• —	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward.....		242,300 00	1,636,782 92
	VIII.—MISCELLANEOUS SERVICES.—Continued.			
250	Grey Nuns' Hospital, St. Jérôme, towards building.....		500 00	
251	College St. Bernadin de Waterloo, towards building.....		250 00	
252	Hôpital Général of the district of Richelieu, towards building at Sorel.....		1,000 00	
253	Ste. Cunégonde House of Refuge for old and infirm persons, towards paying off debt for building.....		500 00	
254	Sœurs de la Providence de l'Assomption, towards construction of an hospital.....		500 00	
255	Transcription and repairing of Registers and documents in the several Public Offices of the Province.....		10,000 00	
256	Dictionnaire Généalogique de Mgr Tanguay...		2,800 00	
257	Printing and distributing the amendments to the Municipal Code.....		500 00	
				258,350 00
	IX.—SPECIAL EXPENDITURE.			
258	New Legislative Buildings, construction.....		20,000 00	
259	New Court House, Quebec, to complete surrounding wall, &c.....		3,207 00	
260	New Court House, Quebec, to settle balance of all claims.....		155,000 00	
261	New Court House, Quebec, erections for roofs.....		800 00	
262	Spencer Wood : hot-house, cellar for vegetables, shed for vehicles, porter's lodge, &c.....		1,000 00	
263	Towards the construction of iron bridges in municipalities ; revote (\$25,000).....		100,000 00	
264	New vaults for Court Houses and Gaols in new districts.....		7,000 00	
	Carried over.....		257,007 00	1,895,132 92

## SCHEDULE B.—Continued.

No.	SERVICE.	—	—	Total.
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....		287,007 00	1,805,132 92
	IX.—SPECIAL EXPENDITURE.—Continued.			
265	Night Schools, provided this year's experiment proves successful.....		40,000 00	
266	Construction of a vault for Quebec Archives.....		10,000 00	
267	Montreal Court House extension.....		150,000 00	
268	Montreal Gaol, for construction, to be partly reimbursed by the sale of the property of the present Gaol.....		300,000 00	
269	Sherbrooke Gaol and Court House, construction of drains, &c.....		3,000 00	
270	Court Houses and Gaols, New Districts, for heating apparatuses.....		8,000 00	
271	Gaspé Court House and Gaol, new roof, aqueduct, &c., &c.....		2,286 00	
272	Quebec Gaol, construction of new drains, plumbers work, &c.....		3,890 00	
273	Iberville Court House and Gaol, at St. Johns, construction of surrounding wall and out-buildings.....		3,000 00	
274	Stoning country roads, to make a trial of.....		10,000 00	
275	Colonization Roads, explorations, inspections, &c., additional amount to be paid on capital account, required under the circumstances to give a new and more vigorous impulse to work of colonization, by the opening up of main roads necessitated by the increased general demands in this branch of the public service, and for the formation of colonization societies, in virtue of the new law.....		50,000 00	
276	Exposition Society, Montreal, to repair Exhibition Buildings.....		35,000 00	
277	Court House at Hull, District of Ottawa, to aid in its construction.....		10,000 00	
278	Edifice National, Montreal, provided that public lectures and courses of practical instruction be given.....		10,000 00	
				912,133 00
	Carried over.....			2,807,315 92

SCHEDULE B.—*Continued.*

No	SERVICE.	—	—	Total
		\$ cts.	\$ cts.	\$ cts.
	Brought forward.....			2,807,315 92
	X.—RAILWAYS.			
	Quebec, Montreal, Ottawa and Occidental Rail- way, Construction :			
279	Settlement of outstanding claims.....			40,000 00
	Total .....			2,847,315 92

## CAP. II.

An Act respecting increased representation in the Legislative Assembly for the electoral districts of Montreal West, Montreal Centre, Montreal East, Quebec East, Drummond and Arthabaska, Rimouski, Chicoutimi, and Saguenay.

[Assented to 2nd April, 1890.]

## Preamble.

**W**HEREAS numerous petitions have been presented and resolutions passed by councils of cities, towns, and counties, in this Province, praying that the number of members of the Legislative Assembly be increased for certain places;

Whereas the representation in the Legislature is not equitably divided;

Whereas the necessity of providing for the growing requirements of the population of this Province and the development of its resources renders it expedient to increase the representation of the people in the Legislative Assembly and to distribute it in a more equitable manner, and with this view to change the limits of certain counties and electoral divisions and to form others so as to increase the number of electoral colleges in this Province;

Whereas section 80 of the British North America Act, 1867, provides that the Legislative Assembly of Quebec shall be composed of sixty-five members to be elected to represent the sixty-five electoral divisions or districts of Lower Canada referred to in the said act, subject to alteration thereof by the Legislature of Quebec; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain counties and electoral districts modified.

**1.** From and after the end of the present session of this Legislature, the undermentioned counties and electoral districts, as mentioned and described in article 64 of the Revised Statutes of the Province of Quebec, shall, in conformity with the power given to this Legislature by section 80 of the British North America Act, 1867, be modified in the following manner, namely:

County of Chicoutimi divided for certain purposes.

*a.* For the purposes of representation in the Legislative Assembly, and also for municipal, registration and agricultural purposes, the county of Chicoutimi shall be divided into two counties, called the "county of Chicoutimi" and the "county of Lake St. John," and described as follows:

Boundaries of county of Chicoutimi.

1stly. The county of Chicoutimi is bounded on the south by the parallel of the forty-eighth degree of north latitude, as far as the intersection of the prolongation of the south-eastern line of the township of St. Johns on the Saguenay, thence on the south-east by the prolongation of such line as far as the river Saguenay and crossing the river Sague-

nay to the south-east angle of the township of Labrosse, thence along the division line between the townships of Labrosse and Albert to the rear line of the township of Labrosse, on the east by a line drawn from that point true north to the limits of the Province, on the north by the limits of the Province, and on the north-west and west by the county of Lake St. John, from which county it is divided by the river Peribonka from the northern limits of the Province southward until it is intersected by the prolongation northward of the line dividing the townships of Taché and Delisle, thence southerly following the said line to the grand discharge of Lake St. John, thence along the north bank of the said grand discharge eastwards to a point opposite the line dividing the townships of Kenogami and Labarre, thence across the river Saguenay to the said division line, thence south along the said line until it strikes the south bank of lake Kenogami, thence eastwards along the said lake to the eastern point of the parish of Notre-Dame de Hébertville, thence south-west along the south-western line of the said parish until it is intersected by the division line between the townships of Méty and Plessis, thence southerly along the said line and its prolongation until it intersects the River aux Ecorces, thence southerly along the said river until it reaches the said forty-eighth parallel of north latitude.

The county, so bounded, comprises the town of Chicoutimi, the township of Plessis less that part thereof comprised in the parish of Notre Dame d'Hébertville, the townships of Lartigue, Simon, Ferland, Brebœuf, Boileau, Lallemand, Perigny, Ducreux, St. Johns, Hébert, Otis, Bagot, Laterrière, Chicoutimi, Jonquières, Kenogami, Bourget, Taché, Simard, Falardeau, Tremblay, Harvey, St. Germain, and Labrosse, and the unorganized territory comprised within these limits. Places comprised therein.

2ndly. The county of Lake St. John is bounded on the south-west by the county of Champlain, on the south by the parallel of the forty-eighth degree of north latitude, on the east by the county of Chicoutimi, and on the north and north-west by the limits of the Province. Boundaries of county of Lake St. John.

The county, so bounded, comprises the parish of Notre Dame d'Hébertville and the townships of Labarre, Signai, Delisle, Taillon, Dalmas, Dolbeau, Racine, Pelletier, Albanel, Parent, Normandin, Dufferin, Demeule, Ashuapmouchouan, Ouatichouan, Roberval which includes the village of Roberval, Ross, Charlevoix, Metabetchouan, Caron, Méty, Dequen, St. Hilaire, and Dablon, and the unorganized territory comprised within these limits. Places comprised therein.

3rdly. The united counties of Chicoutimi, as above described, and Saguenay form one electoral district under the name of "Chicoutimi and Saguenay." Chicoutimi and Saguenay to form one electoral district.

County of  
Rimouski di-  
vided for pur-  
poses of re-  
presentation  
in Legislative  
Assembly.  
Boundaries of  
county of  
Rimouski.

b. For the purposes of representation in the Legislative Assembly only, the county of Rimouski shall be divided into two counties, called the "county of Rimouski" and the "county of Matane", and described as follows:

1stly. The county of Rimouski is bounded on the north-west by the River St. Lawrence, on the east, south, and south-east by the Province of New Brunswick and the county of Bonaventure, on the south-west by the county of Temiscouata, and on the north-east by the county of Matane, from which latter county it is separated by the south-west outline of the parishes of St. Flavie, St. Joseph de Lepage and St. Angèle de Mérici prolonged until it intersects the north-west outline of the county of Bonaventure.

Places com-  
prised therein.

The county, so bounded, comprises the town of St. Germain de Rimouski, the parishes of St. Simon, St. Mathieu, St. Fabien, Ste. Cécile du Bic, St. Valérien, Notre-Dame du Sacré-Cœur, St. Germain de Rimouski, Ste. Blandine, Ste. Anne de la Pointe au Père, Ste. Anaclet, Ste. Luce, St. Donat and St. Gabriel, the south western part of the seigniory of Lake Métis, that part of the townships of Bédard, Biencourt, Chenier, Duquesne, Macpès, Flynn, Neigette, Ouimet, Fleuriault, and Massé not included in any parish and within the limits above described, the unorganized territory comprised in the above described limits, and the nearest islands situate wholly or in part opposite to such county.

Boundaries of  
county of  
Matane.

2ndly. The county of Matane is bounded on the south-east by the county of Bonaventure, on the south-west by the county of Rimouski, from which county it is separated by the south-west outline of the parishes of Ste. Flavie, St. Joseph de Lepage, and St. Angèle de Mérici, prolonged until it intersects the north-west outline of the county of Bonaventure, on the north-east by the county of Gaspé, and on the north-west by the River St. Lawrence, including the nearest islands situated wholly or in part opposite to such county.

Places com-  
prised there-  
in.

The county, so bounded, comprises the parish of Ste. Flavie which includes the village of Mont-Joli, the parishes of St. Joseph de Lepage, Ste. Angèle de Mérici, St. Octave de Métis, St. Moise, Notre-Dame de l'Assomption de MacNider, St. Damase, St. Ulric, St. Jérôme de Matane, and Ste. Félicité, the seigniory of Matapédia, that part of the townships of Cabot, Awantjish, Nemtaye, Humqui, Matalik, Casupscull, Lepage, MacNider, Matane, Tessier, St. Denis, Cherbourg, and Dalibaire which is not included in any parish, that part of the township of Romieux not included in the parish of St. Norbert de Cap Chat which is in the county of Gaspé that part of the townships of Fleuriault and Massé not included in any parish and situated to the north east of the division line

between the county of Rimouski and the county of Matane, that part of the seigniory of Lake Métis situated to the north east of the said division line, and the unorganized territory comprised in these limits.

c. For the purposes of representation in the Legislative Assembly only, the electoral districts of Montreal East, Montreal West and Montreal Centre shall be divided into six electoral districts called :

" Montreal Division No. 1," " Montreal Division No. 2," " Montreal Division No. 3," " Montreal Division No. 4," " Montreal Division No. 5," and " Montreal Division No. 6," and described as follows :

1stly. Montreal Division No. 1 comprises Ste. Mary's ward of the city of Montreal, as it now is.

2ndly. Montreal Division No. 2 comprises St. James and East wards of the city of Montreal, as they now are.

3rdly. Montreal Division No. 3 comprises St. Louis ward of the city of Montreal, as it now is.

4thly. Montreal Division No. 4 comprises St. Lawrence ward of the city of Montreal, as it now is.

5thly. Montreal Division No. 5 comprises St. Antoine ward of the city of Montreal, as it now is.

6thly. Montreal Division No. 6 comprises Ste. Anne, West and Centre wards of the city of Montreal, as they now are.

d. For the purposes of representation in the Legislative Assembly only, the electoral district of Quebec East shall be divided into two electoral districts called " Quebec East " and " St. Sauveur," and described as follows :

1stly. Quebec East comprises St. Roch and Jacques Cartier wards of the city of Quebec, as they now are, and that part of the municipality of St. Rochs North to the north-east of the road and line dividing lots numbers 441 and 508 from lots numbers 440a and 509 of the official cadastral plan of the said municipality.

2ndly. St. Sauveur comprises the parishes of St. Sauveur de Quebec, Notre-Dame des Anges and Sacré-Cœur de Jésus. and that part of the municipality of St. Rochs North to the north-west of the road and line dividing lots numbers 440a and 509 from lots numbers 441 and 508 of the official cadastral plan of the said municipality.

2. For the purposes of representation in the Legislative Assembly, the united counties of Drummond and Arthabaska shall be separated into two electoral districts.

3. The electoral districts of the counties of Lake St. John, Drummond, Arthabaska, Rimouski and Matane, and of Montreal Division No. 1, Montreal Division No. 2, Montreal Division No. 3, Montreal Division No. 4, Montreal Division No. 5, Montreal Division No. 6, Quebec East

Montreal East, West and Centre divided.

Names of new divisions.

Places comprised in each division.

Quebec East divided.

Names of new districts.

Places comprised in Quebec East.

Places comprised in St. Sauveur.

Drummond and Arthabaska separated.

Each electoral district above mentioned to form an electoral college and to send a member to Legislative Assembly.

and St. Sauveur, as also the united counties of Chicoutimi and Saguenay, shall each form an electoral college, and, whenever an election is necessary, owing to death, resignation, dissolution or other cause, shall each send a member to represent them in the Legislative Assembly.

Certain articles of the Revised Statutes amended in accordance with this act.

4. Articles 60, 64, 90, 91, 92 and 93 of the Revised Statutes of the Province of Quebec are amended in consequence of the foregoing, and, further, articles 72, 73, 1618 and 6225 of the said Revised Statutes are also amended, but only as respects the counties of Chicoutimi and Lake St. John.

Coming into force.

5. This act shall come into force on the day of its sanction.

### C A P. III.

An Act respecting increased representation in the Legislative Assembly for the electoral district of Wolfe and Richmond.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS numerous petitions have been presented and resolutions passed by councils of cities, towns and counties in this Province praying that the number of members of the Legislative Assembly be increased for certain places;

Whereas the representation in the Legislature is not equitably divided;

Whereas the necessity of providing for the growing requirements of the population of this Province and the development of its resources renders it expedient to increase the representation of the people in the Legislative Assembly and to distribute it in a more equitable manner, and with this view to change the limits of certain counties and electoral districts or divisions and to form others so as to increase the number of electoral districts of this Province;

Whereas section 80 of the British North America Act, 1867, provides that the Legislative Assembly of Quebec shall be composed of sixty-five members to be elected to represent the sixty-five electoral divisions or districts of Lower Canada referred to in the said act, subject to alteration thereof by the Legislature of Quebec; provided that it shall not be lawful to present to the Lieutenant-Governor, for assent, any bill for altering the limits of any of the electoral divisions or districts mentioned in the second schedule of the said act, unless the second and third

readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority of the members representing all these electoral divisions or districts, and the assent shall not be given to such Bill unless an address has been presented by the Legislative Assembly to the Lieutenant-Governor stating that it has been so passed; Therefore. Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. From and after the end of the present session of the Legislature, the united counties of Richmond and Wolfe, mentioned and described in article 64 of the Revised Statutes of the Province of Quebec, shall, in conformity with the power given to this Legislature by section 80 of the British North America Act, 1867, be modified in the following manner, namely :

United counties of Richmond and Wolfe modified.

For electoral purposes, the united counties of Richmond and Wolfe shall be separated into two electoral districts.

Separated into two electoral districts.

2. The electoral districts of the counties of Richmond and Wolfe shall each form an electoral college and shall each send a member to represent them in the Legislative Assembly, whenever an election is necessary owing to death, resignation, dissolution or other cause.

Each to form an electoral college and send a member to Legislative Assembly.

3. Articles 60, 64, 90, 91 and 92 of the Revised Statutes of the Province of Quebec are amended in consequence of the foregoing.

R. S. Q. art. 60, 64, 90, 91 and 92 amended.

4. The two new electoral districts created by this act shall, separately, in so far as respects future changes in their limits, remain subject to the provisions of section 80 of the British North America Act, 1867.

Both districts to remain subject to sec. 80 of B. N. A. Act, 1867.

5. This act shall come into force on the day of its sanction.

Coming into force.

## CAP. IV.

An Act to annex to the county of Rouville, for all purposes whatsoever, that part of the parish of St. Damase, in the county of St. Hyacinthe, which has been annexed to the parish of St. Michel de Rougemont, in the county of Rouville.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain part  
of parish of  
St. Damase,

Described,

Detached  
therefrom  
and annexed  
to St. Michel  
de Rouge-  
mont, county  
of Rouville.

1. That part of the parish of St. Damase, in the county of St. Hyacinthe, designated and described in the proclamation issued, on the nineteenth day of June, eighteen hundred and eighty-nine, by the Lieutenant-Governor in Council, as follows, to wit :

" All the territory comprising the lots numbers from three hundred and three inclusive (303), to three hundred and sixteen (316), also inclusive, in the range of La Caroline, and the other numbers from three hundred and seventeen (317) inclusive, to three hundred and thirty-nine (339) also inclusive, and from three hundred and fifty (350) inclusive, to four hundred and nine (409) also inclusive, in the range *Des Dix* of Corbin and *Des Vingt* of Corbin, such as now known and described on the official plan and in the book of reference of the cadastre for the said parish of Saint Damase ; which territory is bounded as follows, to wit : to the north and north-east, by the cadastral number three hundred and two (302) of the range of La Caroline, and by the cadastral number three hundred and forty-nine (349) of the range of Corbin, in the said parish of Saint Damase, to the east and south-east by the parish of Saint Césaire, to the south-west and to the west, by the parish of Saint Michel de Rougemont, to the north-west and to the north by the ranges of Cordelia and Sainte Louise, in the aforesaid parish of Saint Damase," is detached from the said parish of Saint Damase and from the county of St. Hyacinthe and annexed to the said parish of St. Michel de Rougemont and to the said county of Rouville, for all purposes whatsoever.

R. S. Q. art.  
53 and 59  
amended.

2. Numbers 53 and 59 of the table to article 64 of the Revised Statutes of the Province of Quebec are amended in consequence of the preceding.

Coming into  
force.

3. This act shall come into force on the day of its sanction.

## CAP. V.

An Act to detach the parishes of Saint Michel des Saints, Saint Gabriel de Brandon, Saint Damien, and the unorganized territories in the county of Berthier, from the district of Richelieu, and to annex them to the district of Joliette, for judicial purposes.

[Assented to 2nd April, 1890.]

**W**HEREAS the electors of the parishes of Saint Michel des Saints, Saint Gabriel de Brandon and Saint Damien, in the county of Berthier, have, by petition, prayed that the said parishes and the unorganized territories in the said county be detached from the district of Richelieu and annexed to the district of Joliette for judicial purposes, for the following reasons:—

Because, being at a distance from the *chef-lieu* of the county, the inhabitants of the said parishes and territories, travelling by railway, pass by the town of Joliette to reach Berthier, and thence, to reach Sorel, the *chef-lieu* of the district, they are obliged to cross the river Saint Lawrence, which is very dangerous in the fall and spring, at the ordinary time of holding trials before the courts; whilst going to Joliette, they may travel at a cheaper rate, in less time, with more certainty and more conveniently at all times of the year;

Whereas, for the above mentioned reasons, it is advisable to accede to the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The parishes of Saint Michel des Saints, Saint Gabriel de Brandon, Saint Damien and the unorganized territories of the county of Berthier are hereby detached from the district of Richelieu and annexed to the district of Joliette for judicial purposes.

Certain parishes, &c., detached from district of Richelieu and annexed to Joliette.

2. Article 70 of the Revised Statutes of the Province of Quebec is amended by adding:

R. S. Q. art. 70 amended.

1. To number 8 of the table of the said article the words "and also the parishes of Saint Michel des Saints, Saint Gabriel de Brandon, Saint Damien and the unorganized territories of the county of Berthier"; and

Certain parishes, &c., added.

2. To number 14 of the said table, after the word "Berthier," the words "less the parishes of Saint Michel des Saints, Saint Gabriel de Brandon, Saint Damien and the unorganized territories of the said county".

Certain parishes, &c., taken away.

3. This act shall not affect pending cases and shall come into force by proclamation, which shall issue only

Pending cases not affected, and coming into force.

after a resolution of the county council of the county of Berthier to that effect shall have been transmitted to the Lieutenant-Governor of this Province.

## C A P. V I.

An Act to amend the act 52 Victoria, chapter 4.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S. Q., art.  
167, § 16, re-  
placed.

**1.** Paragraph 16 of article 167 of the Revised Statutes of the Province of Quebec, as added thereto by section 1 of chapter 4 of the act 52 Victoria, is replaced by the following:

Student de-  
fined.

"16. The word "student" means the son who, being within the above prescribed conditions and within those of the 9th paragraph of article 173, is absent from his father's or mother's house, with their consent, with a view of studying some profession."

R. S. Q., art.  
173, amended.

**2.** The last three clauses of article 173 of the said Revised Statutes, as replaced by section 3 of chapter 4 of the act 52 Victoria, are replaced by the two following paragraphs:

Rights of  
farmer's sons  
when exer-  
cised.

"8th. Farmer's sons exercise the above rights, even if the father or mother be tenants or occupants only of the farm;

They exercise them in the same manner as if they were the sons of owners of real property, with this difference, that it is the annual value of the farm which is the basis of the electoral franchise, as in the case, *mutatis mutandis*, of the 1st and 2nd paragraphs of this article.

Temporary  
absence.

"9th. Temporary absence from the farm or establishment of his father or mother, during six months of the year in all, or absence as a "student" shall not deprive the son of the exercise of the electoral franchise above conferred."

Declaratory  
clause res-  
pecting 53 V.  
c. 7, an act of  
this session.

**3.** The act passed during the present session intituled: "An Act to provide for the immediate operation of the Act of this Province, 52 Vict. chap. 4, intituled: 'An Act to amend the Quebec Election Act, by extending the franchise and to amend the Municipal Code respecting the preparation of the valuation roll,' (\*) shall be carried

(\*) See next chapter of these statutes.

out according to the intention thereof, the doubts which may have existed owing to the citation of certain paragraphs of article 173 of the said Revised Statutes being removed by this act.

4. This act shall come into force on the day of its sanction. Coming into force.

## CAP. VII.

An Act to provide for the immediate operation of the Act of this Province, 52 Vict., chap. 4, intituled: "An Act to amend the Quebec Election Act, by extending the franchise and to amend the Municipal Code respecting the preparation of the valuation roll."

[Assented to 31st January, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Until the next general valuation roll is prepared in any municipality (city, town, village, parish, township, &c.) any person to whom the electoral franchise is given by paragraphs 3, 4, 5, 6 and 7 of article 173 of the Revised Statutes of the Province of Quebec, as replaced by section 3 of the Act 52 Vict., chap. 4, may, by a simple application to the council of his municipality, and upon proof of his qualification, have his name entered upon the list of electors of his municipality, and any elector of the said municipality may make such application for the inscription of one or more persons so qualified. Applications for entry of persons qualified to vote upon list.

Such inscription shall be made by the council, notwithstanding the fact that such persons are not entered on the valuation roll in force in the municipality, and within the delay and in the same manner as for the ordinary revision of the list of electors of the municipality; and the provisions of law governing the appeal from the decision of the council with respect to the revision of the list apply to the inscription enacted by this Act. How entries to be made. Appeals how governed.

2. Section 177 of the said Revised Statutes, as replaced by section 4 of the act 52 Vict., chap. 4, is amended by adding the following words to the second paragraph : R. S. Q. 177 and 52 V., c. 4, s. 4, amended.

"But for the current year in the counties of Gaspé and Bonaventure the list shall be made from the first of April to the thirty-first of May inclusively." Lists in Gaspé and Bonaventure for 1890.

3. This Act shall come into force on the day of its sanction. Coming into force.

## CAP. VIII.

An Act to amend article 239 of the Revised Statutes of the Province of Quebec, in the Election Act.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q. art.  
239 amended.

1. Article 239 of the Revised Statutes of the Province of Quebec is amended by adding thereto the following words : " or delivered to them in person."

Coming into  
force.

2. This act shall come into force on the day of its sanction.

## CAP. IX.

An Act to amend article 241 of the Revised Statutes of the Province of Quebec, respecting returning officers.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., art.  
241 amended.

1. Article 241 of the Revised Statutes of the Province of Quebec is amended by adding after the word "sheriff", in the second paragraph thereof, the words "or prothonotary."

Coming into  
force.

2. This act shall come into force on the day of its sanction.

## CAP. X.

An Act respecting the franchise, the preparation of lists of electors and to amend the form of oath, and for other purposes.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Article added  
after R. S. Q.  
art. 287.

1. The following article is added after article 287 of the Revised Statutes of the Province of Quebec :

"287a. No revising officer for an electoral district, while he holds such office or during two years after he has ceased to be such revising officer, can be a candidate in any electoral district for which, or for any part of which, he has been such revising officer."

Revising officer not to be candidate while he holds office and for certain time thereafter.

2. Article 318 of the said Revised Statutes is amended as follows :

R. S. Q., art. 318, amended as to form of oath.

(a) By striking out, in the seventh line, the following word and numbers : " 4, 5, 6 and 7 " and replacing them by the following " 4, 5, 6, 7 and 8."

(b) By adding at the end of the said article, in the form of oath, the following paragraph :

"8. Do you occupy a permanent position under the government of the Dominion of Canada or under the government of this Province, and do you receive regular wages or emoluments from the public departments of Canada or of this Province, from the Federal Parliament or the Provincial Legislature."

3. Article 228 of the Revised Statutes of the Province of Quebec is again put into force and shall remain in force untill the first of May, 1892, with the same effect as if it had never been repealed.

R. S. Q., art. 228, respecting lists of electors in Montreal re-enacted.

4. This act shall come into force on the day of its sanction.

Coming into force.

## C A P . X I .

### An Act to amend the Quebec Election Act.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The following provisions are added after article 406 of the Revised Statutes of the Province of Quebec :

Section added after R. S. Q. art. 406.

#### " SECTION 111A.

" SPECIAL PROVISIONS FOR GASPE WHEN NAVIGATION IS CLOSED.

"406a. In the case of an election for the electoral district of Gaspé, if the returning-officer cannot, owing to the close of navigation, communicate with the Magdalen Islands, except by telegraph, the following provisions apply :

Special provisions applicable to county of Gaspésie, returned in certain event.

Appointment  
of election  
clerk in  
Islands.

1. The returning-officer appoints, by telegraph, the registrar for the registration division of the Magdalen Islands or the deputy sheriff of the Islands to be election clerk therein.

If registrar  
and deputy  
sheriff unable  
to act.

If such registrar and deputy sheriff are unable to act, or if they have a right to claim and claim exemption, the returning-officer may appoint any other person to perform the duties.

If returning-  
officer cannot  
act.

If the returning-officer becomes unable to act, he is replaced by his election clerk for the main land.

Transmission  
of proclama-  
tion to  
Islands.

2. The returning-officer transmits by telegraph to the election clerk for the Magdalen Islands the proclamation announcing the election.

Posting, &c.,  
of proclama-  
tion.

After being sworn according to law, the election clerk signs the proclamation and causes it to be posted in the different municipalities of the Islands, according to law.

Acceptance of  
nomination by  
candidate in  
Magdalen  
Islands how  
given.

3. Any candidate nominated for the electoral district of Gaspé may, if at the time he is at the Magdalen Islands and cannot otherwise give his consent, accept the nomination by telegraphing such acceptance to the returning officer.

Transmission  
of notice of  
voting and  
instructions if  
voting neces-  
sary.

4 If there is more than one candidate nominated, and voting becomes necessary, the returning-officer transmits by telegraph to his election clerk in the Islands the notice of voting and other instructions.

Appointment  
of deputy-re-  
turning-  
officers.  
Preparation of  
ballot papers.

5. The election clerk for the Magdalen Islands appoints the deputy-returning-officers in such Islands.

He himself writes out and makes the ballot papers according to the instructions of the returning-officer, and distributes them to the deputy-returning-officers.

List of elec-  
tors, &c.

It is the duty of such election clerk to procure the lists of electors for the Islands or certified copies or extracts therefrom, in the same manner as the returning-officer; to supply each deputy-returning-officer with the list or a copy or extract of the list containing the names of the electors having a right to vote at the poll for which he is appointed; to hand to each such deputy-returning-officer a ballot box according to law, and to otherwise fulfil all the duties imposed by law upon the returning-officer respecting the voting.

Ballot box.

Other duties.

Duties of  
deputy re-  
turning-  
officers.

6. The deputy-returning-officers in these Islands, in addition to the ordinary duties of such office, which they are obliged to perform, shall forward to the election clerk of these Islands, their ballot boxes after the voting; the latter swears the messengers if the deputy-returning-officers cannot themselves go to him

As to ballot  
boxes.

Election clerk  
to open boxes  
and count  
votes.

7. The election clerk of these Islands opens the ballot boxes on the day fixed by the returning-officer and ascertains the number of votes given according to the statements which he finds therein.

He transmits by telegraph to the returning-officer a certificate and sends him by the first mail after the opening of navigation his written report, with the contents of the boxes, the proclamations, notices of voting, his oath of office, the lists of electors used in the several polls and all the documents used or required at the election or which may have been remitted to him by the deputy-returning-officers.

Forwarding by telegraph of certificate of votes given to returning-officer, and all papers used &c by first mail.

8. After receiving by telegraph the certificate from the election clerk of the Magdalen Islands, the returning-officer must add the number of votes given in the Islands for each candidate to those given on the main land and deliver to the person who has the greater number of votes a certificate to that effect; the returning-officer must, otherwise, conform to the provisions of the law in this respect.

Duty of returning-officer upon receipt of certificate.

9. Every returning-officer or election clerk who refuses or neglects to perform any of the obligations or formalities required by the eight preceding paragraphs, incurs, for each such refusal or neglect, in addition to any other penalty imposed by this chapter, a fine of two thousand dollars and in default of payment an imprisonment of one year.

Penalty on returning-officer and election clerk for not carrying out above provisions.

10. Within eight days next after the publication in the Quebec Official Gazette of the receipt by the returning-officer of the written report of the election clerk of the Magdalen Islands, a recount before a judge may be demanded according to law.

When recount may be applied for.

11. Such notice of the receipt of the written report of the election clerk of the Islands must be published by the returning-officer, in the Quebec Official Gazette immediately upon its receipt, under penalty of a fine of five hundred dollars and in default of payment of an imprisonment of three months.

Publication of notice of receipt of report in Quebec Official Gazette. Fine for not doing so.

12. The candidate, who is the holder of the certificate of the returning-officer, mentioned in the above paragraph 8, declaring that he has the majority of votes, may, on producing such certificate, and awaiting the final return of the returning-officer, take his seat in the Legislative Assembly if it is in session at the time.

Candidate holding certain certificate may take his seat if Assembly in session.

13. The delay of thirty days to contest such election shall only commence to run from the day of the publication in the Quebec Official Gazette by the Clerk of the Crown in Chancery of the notice of the election in conformity with the law.

When delay to contest election begins to run.

14. All other provisions of the law not incompatible with those of this section apply to such election.

Application of all other provisions to election.

15. The provisions of this section do not apply to any election which may be commenced, continued, and ended in accordance with the ordinary provisions of the law."

Application of this section only to certain elections.

R. S. Q., art.  
265, repealed.

**2.** Article 265 of the Revised Statutes of the Province of Quebec is repealed.

Coming into  
force.

**3.** This act shall come into force on the day of its sanction.

## CAP. XII.

### An Act to amend the Quebec Election Act.

[Assented to 2nd April. 1890.]

Preamble.

**W**HEREAS the avoiding of elections by reason of corrupt practices by agents,—when such practices have been of a trifling nature or of trifling extent and have not affected or cannot reasonably be supposed to have affected the result,—have occasioned the trouble and expense of new elections when unnecessary and useless, and it is expedient to amend the law in that respect; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S. Q., art.  
427, amended.

**1.** Article 427 of the Revised Statutes of the Province of Quebec is amended by adding thereto the following:

Corrupt practice by agent, of trifling nature and without knowledge &c., of candidate, not to avoid election.

“If, however, such corrupt practice, committed without the actual knowledge and without the consent of the candidate, was of such a trifling nature or of such trifling extent that the result of the election cannot have been affected or be reasonably supposed to have been affected by such act, whether alone or in connection with other illegal practices, at such election, such corrupt practice shall not avoid the election.”

Pending cases  
not affected.

**2.** This act shall not affect pending cases.

Coming into  
force.

**3.** This act shall come into force on the day of its sanction.

CAP. XIII.

An Act to amend title third of the Revised Statutes of the Province of Quebec, respecting the Executive Council.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 595 of the Revised Statutes of the Province of Quebec is replaced by the following : R. S. Q., art. 595, replaced.

“ 595. The powers, duties and functions of the officers forming part of the Executive Council may, by Order in Council, be, in whole or in part, temporarily conferred upon any member of the Council appointed in virtue of article 592 ; provided such member of the Executive Council is or becomes a member of one or other of the two Houses. Powers of officers of Executive Council may be temporarily conferred on other members. Proviso.

“ 2. But every such member appointed under this article shall perform his functions gratuitously.” Services to be gratuitous.

2. This act shall come into force on the day of its sanction. Coming into force.

CAP. XIV.

An act to amend article 597 of the Revised Statutes of the Province of Quebec, relating to inquiries concerning public matters.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The first paragraph of article 597 of the Revised Statutes of the Province of Quebec, is amended so as to read as follows : R. S. Q. 597 amended.

“ The treasury board and the commissioners named by it, the provincial auditor, the board of inspectors of prisons, hospitals and other institutions, the inspector of registry offices and any inspector of public offices and each of such inspectors, the civil service board and the commissioners appointed by it, the council of public instruction and each of the committees thereof and the commissioners Power of the treasury board and others in cases of inquiries instituted by them.

appointed by them, the superintendent of public instruction, the secretaries of the department of public instruction and school inspectors, have, by law, the power mentioned in the foregoing article."

Coming into force.

**2.** This act shall come into force on the day of its sanction.

## C A P . X V .

An Act to amend the law respecting the pensions of public officers.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Art added after R. S. Q. art. 678.

**1.** The following articles are added after article 678 of the Revised Statutes of the Province of Quebec :

Lieutenant-Governor may add to service of persons appointed on account of special qualification.

" **678a.** The Lieutenant-Governor in Council may, in the case of any person who entered the civil service after the age of thirty years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years' service of such person, such further number of years not exceeding ten, as is considered equitable, for reasons stated in the Order in Council made in the case.

Effect of such addition as to pension.

Such additional number of years shall be taken as part of the term of service on which the superannuation allowance of such person shall be computed.

Increase in pension how supported. Order in Council to be laid before Legislature.

The increase in the pension shall be supported by the Consolidated Revenue Fund of the Province.

Order in Council to be laid before Legislature.

The Order in Council, in any such case, shall be laid before the Legislature at its then current or next ensuing session."

Preliminary inquiry by Treasury Board.

" **678b.** The superannuation of every civil servant shall be preceded by an inquiry by the Treasury Board :

*a.* Whether the person it is proposed to superannuate is eligible within the meaning of this section ; and

*b.* Whether his superannuation will result in benefit to the service, and is therefore in the public interest, or

*c.* Whether it has become necessary in consequence of his mental or physical infirmity.

2. No civil servant shall be superannuated unless the Treasury Board reports that he is eligible within the meaning of this section and that such superannuation will be in the public interest." Report of Board.

3. Article 678 of the said Revised Statutes is amended by inserting at the commencement thereof the following words : " Saving the provisions of article 678a." R. S. Q. art. 678 amended.

4. This act shall come into force on the day of its sanction. Coming into force.

## CAP. XVI.

An Act to amend the Quebec License Law, respecting the duty on sales by auction.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 943 of the Revised Statutes of the Province of Quebec, as amended by the act 52 Victoria, chapter 15, is replaced by the following articles :

" 943. The following property and effects need not be sold by a licensed auctioneer, and sales thereof by auction, are exempt from the duty mentioned in article 943b, to wit : R. S. Q. art. 943 as amended by 52V., c. 15, replaced.

The moveable and immoveable property of the Crown,—those sold by authority of justice,—those sold through confiscation,—those of a deceased person,—those belonging to any dissolution of community, or to any church, or which are sold at any bazar held for religious or charitable purposes, or sold for religious purposes, or which are sold in payment of municipal taxes under the Municipal Code or any other law regulating municipalities ; Certain property need not be sold by licensed auctioneer.

Moveable and immoveable property, grain and cattle, sold for non-commercial purposes by the inhabitants of the rural districts removing from the locality, and the property of minors sold by forced or voluntary licitation ;

Farm animals exhibited by agricultural societies at an exhibition and sold during the time of such exhibition.

" 943a. The following property and effects sold by auction and outcry in this Province, and adjudged to the Certain property must be sold by

licensed auctioneer.

highest and last bidder therefor, must be sold by a licensed auctioneer, to wit :

All moveable and immoveable property, effects, goods, and stocks in trade, as well as the assets of a person who has made an assignment under the law respecting the abandonment of property.

Certain curators may take auctioneer's license and sell certain property.

The curator to the property of any person who has made an abandonment of his property under the law may, however, himself sell such property at auction, by taking out an auctioneer's license.

Duty of one per cent on certain sales by auction.

" 943b. Sales by auction of immoveable property, and sales by auction of household furniture and effects in use, including therein pictures, paintings and books, under the preceding article, shall be subject to a duty of one per cent on the amount thereof, which duty shall be paid by the auctioneer to the Collector of Provincial Revenue out of the proceeds of the sale, at the cost of the seller, unless an express stipulation be made, in the conditions of sale, that such duty shall be paid by the buyer, in which case the duty shall be added to the price."

C. C., art. 1565, and R. S. Q. 5813 modified.

2. Article 1565 of the Civil Code, as it is contained in article 5813 of the said Revised Statutes, is modified in accordance with the provisions of this act.

Coming into force.

3. This act shall come into force on the day of its sanction.

## CAP. XVII.

An Act to amend the Quebec License Law.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., art. 1074 amended.

1. The following clause is added after paragraph 5 of article 1074 of the Revised Statutes of the Province of Quebec.

When application for *certiorari*, &c., may be made. Proceedings thereon.

" The writ of *certiorari* or prohibition shall be applied for within fifteen days after the date of judgment, and the proceedings thereupon shall be summary and proceed from day to day."

C A P. X V I I I.

An Act to amend the Quebec License Law.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The following article is inserted after article 1089 of the Revised Statutes of the Province of Quebec :

Art. added after R. S. Q. 1089.

“ 1089a. Notwithstanding the provisions of articles 746, 878, 908, 945, 1026, 1076, 1077 and 1078, it is lawful for the Lieutenant Governor, in Council, to replace, by a salary to be fixed by him for such time and in respect of such collectors of revenue as he sees fit, the emoluments mentioned in the said articles. Salary may be paid to collectors of provincial revenue in lieu of certain emoluments.

2. This act shall come into force on the day of its sanction.

Coming into force.

C A P. X I X.

An Act to explain the law respecting the cutting of merchantable timber in certain cases.

[Assented to 2nd April, 1890.]

WHEREAS the intention of the Legislature in passing section 3 of the act 52 Victoria, chapter 16, was always and is still to make it applicable only to the lots sold or to be sold in the territorial limits of the forest reserves established by Orders in Council of the 10th September, 1883, and the 10th January, 1884 ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows :

1. The following paragraph is added to article 1343 of the Revised Statutes of the Province of Quebec, as replaced by the Act 52 Victoria, chapter 16, section 3 :

R. S. Q., art. 1343 and 52 V., c. 16, s. 3, amended.

“ The provisions of this article apply only to the lots sold or to be sold, in the territorial limits of the forest reserves established by three orders in Council, one dated on the tenth September, 1883 and the two others dated on the tenth of January, 1884, and which form the following appendixes A, B and C. Application of provisions of article restricted to certain forest reserves only.

## APPENDIX A.

COPY OF A REPORT OF A COMMITTEE OF THE HONORABLE THE EXECUTIVE COUNCIL, DATED THE 23RD AUGUST, 1883, APPROVED BY THE LIEUTENANT-GOVERNOR ON THE 10TH SEPTEMBER, 1883.

## No. 30.

## ON LAND MATTERS.

On the opportunity of setting aside, as forest reserves, certain portions of the territory comprised in the Upper and Lower Ottawa Agencies, conformably to the enactments of the act 46 Vic., chap. 9.

The Honorable the Commissioner of Crown Lands, in a report dated the twenty-third of August instant (1883) sets forth :

That from the documents of record in his Department, respecting the inspections which have been recently made in the Upper and Lower Ottawa Agencies, by competent bush-rangers and others, it is advisable that the enactments of the act 46 Vic., chap. 9, be now applied to the territory comprised in the Upper and Lower Ottawa Agencies, to be recognized in future as a forest reserve, and to be described as hereunder.

Such forest reserve to comprise the surveyed and unsurveyed vacant land, viz. : bounded to the north by the height of land dividing the waters of the Ottawa river and its tributaries from those flowing into Hudson's Bay, to the west by the boundary line dividing the Province of Quebec from that of Ontario, and by the easterly shore line of Temiscamingue and of the Ottawa river, including the islands therein situated belonging to this Province, to a point opposite the river Matawin ; to the south and south-west by the Ottawa river as far as the intersection of the line dividing the townships of Esher and Sheen ; thence by the northerly line of the 7th range of the townships of Sheen and Chichester, by the northerly line of the townships of Waltham, Mansfield, Litchfield, Thorn, Onslow, Masham, Wakefield, Gore of Templeton, Buckingham, Lochaber, Ripon and that of the seigniory of Petite Nation ; to the east by the line dividing the counties of Ottawa and Argenteuil, as far as the northernmost angle of the township of DeSalaberry, by the southerly line of Grandison, by the westerly and northerly lines of the township of Wolfe and by the prolongation of the last named line to the nearest western angle of the township of Doncaster, by the north-westerly limits of the townships of Doncaster, Chertsey, Cathcart, Joliette and Brandon ; north-easterly by the line dividing the counties of Maskinongé and Berthier, to the height of land dividing the waters of the l'Assomption and Maskinongé rivers from those of the St. Maurice ; and lastly by the

height of land dividing the waters of the Saint Maurice from those of the Ottawa, prolonged to a point where it will intersect the northerly boundary of this Province ;

Save and except all lots situate in the following townships, which hereafter may be found (from inspections made by competent and authorized persons) fit for settlement and destitute of merchantable timber, *viz* : in the townships of Guigues, Duhamel, part of Sheen and Chichester, Bryson, Pontefract, Huddersfield, Leslie, Clapham, Aldfield, Cawood, Alleyn, Dorion, Church, Low, Aylwin, Wright, Bouchette, Egan, Lytton, Sicotte, Aumond, Kensington, Cameron, Northfield, Hincks, Portland East and West, Derry, Mulgrave, Dunham, Bowman, Bigelow, Blake, Wabassee, Bouillier, Kiamika, Dudley, McGill, Wells, Villeneuve, Lathbury, Hartwell, Suffolk, Ponsonby, Preston, Addington, Amherst, Clyde, Labelle, La Minerve, Joly, Loranger, Marchand, Grandison, Archambault, Lusier, Chilton, Cartier, Courcelle and Brassard.

Certified,

Jos. A. DEFOY,  
Clerk Executive Council.

## APPENDIX B.

COPY OF A REPORT OF A COMMITTEE OF THE HONORABLE THE EXECUTIVE COUNCIL, DATED THE 10TH JANUARY, 1884, APPROVED BY THE LIEUTENANT-GOVERNOR ON THE 10TH JANUARY, 1884.

### No. 7.

The Committee has had under consideration the annexed report of the Commissioner of Crown Lands, dated the 9th January instant, 1884, respecting the opportunity of setting apart, as forest reserve, certain portions of territory comprised in the St. Maurice Agency, in accordance with the provisions of the act 46 Victoria, chapter 9, and submits the same to the approval of the Lieutenant-Governor.

Upon the opportunity of setting apart, as forest reserve, certain portion of territory comprised in the St. Maurice Agency, in accordance with the provisions of the act 46 Victoria, chapter 9.

The undersigned, Commissioner of Crown Lands, has the honor to submit, that in conformity with reports of inspections made in the St. Maurice Agency, by competent bush-rangers, it is expedient to put in force the provisions of the act 46 Victoria, chapter 9, in so far as that territory is concerned, which shall be known in future as a forest reserve, as described below :

First : All the territory bounded to the north-west by the height of land dividing the tributaries of the Saint Lawrence from those of Hudson's Bay to the north, to the

north-east and east by the line dividing the basin of the St. Maurice and of the river Batiscan from that of Lake St John, to the northern angle of the township of Tonti, and thence on prolongation of the north-eastern boundary of the said township and the Indian reserve, to the south-east by the south-east line of the said reserve prolonged to the south-west line of the township of Rocmont, by the rear of the line of the seigniority of Perthuis, by the north-western boundary of the surveyed portion of the township of Chavigny, by the south-east line of the township of Lejeune, by a straight line at right angles with the north-east boundary line of the seigniority of Batiscan and drawn from the point of intersection of the river *Des Envies*, with the said boundary line as far as the township of Radnor; by the south-eastern boundary line of Radnor, by a straight line running south-west, drawn from the point where the *Petites Piles* river meets the south-west boundary of Radnor, traversing the seigniority of Cap de la Magdeleine, Shawenegan and Caxton and stopping at the line of division between the counties of Saint Maurice and Maskinongé, finally, by the rear lines of the townships of Calonne and Peterborough and Brassard; to the west by a line dividing the basin of the Saint Maurice from that of the Ottawa, from the south-west boundary of the township of Provost to the territory of Hudson's Bay.

The first twenty-five lots of each of ranges 1, 2, 3 and 4 of the township of Bois, which are included within the above-described limits, shall not however be comprised in the said forest reserve; they form part of the territory reserved for colonization.

Secondly:—The lands comprising the unsurveyed portions of the township of Montauban, ranges A, B, C and D, of the said township, and ranges 4, 5, 6, 7, A, B, C, D, E, F, G and H of the township of Alton.

Save and except all the lots situated in the following townships which hereafter may be found (from inspection made by competent and authorized persons) fit for settlement and destitute of merchantable timber, that is to say: Tonti and Rocmont, Colbert, Bois, Montauban, Alton, Chavigny, Lejeune, Mekinac, Radnor, Shawenegan, Caxton, Belleau, Chapleau and DeMaisonnette, and the seigniories of Batiscan and Cap de la Magdeleine.

The whole respectfully submitted,  
Department of Crown Lands,  
Quebec, 9th January, 1884.

(Signed) W. W. LYNCH,  
Commissioner.

(True copy),  
(Signed), Jos. A. DEFOY.  
Clerk Executive Council.

## APPENDIX C.

COPY OF A REPORT OF A COMMITTEE OF THE HONORABLE THE EXECUTIVE COUNCIL, DATED THE 10TH JANUARY, 1884, APPROVED BY THE LIEUTENANT-GOVERNOR ON THE 10TH JANUARY, 1884.

## No. 6.

On the opportunity of setting aside, as forest reserve, all the territory now under license to cut timber comprised in the counties of Compton, Beauce, Wolfe, Arthabaska, Megantic and Dorchester.

The Honorable the Commissioner of Crown Lands, in a report dated the ninth of January instant (1884), recommends that, conformably to the dispositions of the act 46 Victoria, chapter 9, all the territory, now under license for the cutting of timber and comprised in the counties of Compton, Beauce, Dorchester, Wolfe, Arthabaska and Megantic, be recognized in future as forest reserve save and except all lots situated in the townships comprised in the said counties, which hereafter may be found (from inspections made by competent and authorized persons), fit for settlement and destitute of merchantable timber.

Certified

JOS. A. DEFOY,  
Clerk Executive Council."

2. This act shall come into force on the day of its sanc- Coming into  
tion. force.

## CAP. XX.

An Act to amend the Quebec Game Laws.

[Assented to 2nd April, 1890.]

**W**HEREAS the law, in limiting to the 15th of April, Preamble.  
instead of the first of May, as was formerly the case,  
the time during which the shooting of wild ducks is per-  
mitted, is very prejudicial to hunters and the public in  
general ;

Whereas, during that time large numbers of ducks  
called " golden-eyed ducks " (*canards cailles*) frequent  
our waters, but do not remain or lay their eggs here,  
but on the contrary they migrate to other countries  
where they are hunted, and the survivors return here the

following year at the same time, as birds of passage, to disappear again immediately, so that the Province is deprived of all benefit, without profit to any one therein, and whereas the same applies to widgeon and teal;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., art.  
1400 § 1, clause  
b replaced.

1. Clause *b* of the first paragraph of article 1400 of the Revised Statutes of the Province of Quebec is replaced by the following :

Close season  
for widgeon,  
teal, wild  
duck.

" *b.* Any widgeon, teal or wild duck of any kind, except sheldrake, loons and gulls, between the first day of May and the first day of September in each year."

Coming into  
force.

2. This act shall come into force on the day of its sanction.

## C A P. X X I.

An Act to amend the law respecting provincial agricultural competitions and provincial distinctions for agricultural merit.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q. art.  
1615a and 52  
V., c. 20, s. 1,  
amended.

1. Article 1615a of the Revised Statutes of the Province of Quebec, as added by the act 52 Victoria, chapter 20, section 1, is amended by adding thereto the following paragraph.

Proviso if  
competition  
cannot be held  
in one year  
throughout  
the Province.

" In case the competition for the whole Province at the same time in one and the same year should present serious difficulties, it shall be lawful for the Lieutenant-Governor in Council to subdivide the Province and to prolong the time for the competition so that it may be completed in five years in place of one."

Coming into  
force.

2. This act shall come into force on the day of its sanction.

## CAP. XXII.

An Act to amend article 1618 of the Revised Statutes of the Province of Quebec, respecting the formation of agricultural societies.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 1618 of the Revised Statutes of the Province of Quebec is amended by inserting the word "Huntingdon" after the word "Pontiac" in the third line thereof. R. S. Q., art. 1618 amended.

2. This act shall come into force upon the day of its sanction. Coming into force.

## CAP. XXIII.

An Act respecting Agricultural Society No. 5 in the county of Gaspé.

[Assented to 2nd April, 1890.]

**W**HEREAS for many years there existed in the county of Gaspé, in the registration and municipal division of Ste. Anne des Monts, an agricultural society known as Agricultural Society No. 3 of the county of Gaspé ; Preamble.

Whereas the said society ceased its operations for some years, but has recently been reorganized by certain inhabitants of the parishes of Ste. Anne des Monts and Cap Chat, under the name of the Agricultural Society No. 5 of the county of Gaspé ;

Whereas doubts have been raised as to the interpretation to be given to the provisions of article 1625 of the Revised Statutes of the Province of Quebec, as regards the number of societies that the county of Gaspé may retain, subject to article 1618 which permits of its being divided into two separate divisions for agricultural purposes ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Agricultural Society Number 5 of the county of Gaspé, reorganized, as stated in the preamble of this act, by the inhabitants of Ste Anne des Monts and Cap Chat, is hereby recognized and confirmed under such number as may hereafter be given to it by the Council of Agriculture, and shall be entitled to all the rights of other agricultural societies. Certain agricultural society recognized.

Right to receive certain assets.

cultural societies in this province and replace the said Agricultural Society No. 3 of the said county of Gaspé.

It further shall be entitled to have and receive all and every the assets of the said Agricultural Society No. 3, in accordance with the provisions of article 1674 of the said Revised Statutes.

County of Gaspé may be divided into three divisions for agricultural purposes.

2. It shall be lawful for the Lieutenant-Governor in Council to divide the county of Gaspé into three in place of two divisions, to be distinguished by the letters A, B and C; in which case the society above-mentioned shall form Society No. 1 of Division C of the county of Gaspé, and article 1618 of the said Revised Statutes shall be amended accordingly.

Coming into force.

3. This act shall come into force on the day of its sanction.

#### C A P. XXIV.

An Act to amend the law respecting Agriculture and Colonization, relating to District Agricultural Societies.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Art. added after R. S. Q., art. 1635.

1. The following provisions are added after article 1635 of the Revised Statutes of the Province of Quebec :

District Colonization societies may be formed.

" 1635a. In a judicial district, in which there is no district society formed under the provisions of article 1631, one hundred persons of such judicial district may, with the approval of the Lieutenant-Governor in Council, upon the recommendation of the Commissioner of Agriculture and Colonization, form a district agricultural society by signing a declaration drawn up in the form, *mutatis mutandis*, of the schedule A to this section.

Annual subscription.

The amount of the annual subscription required to become a member of such society is one dollar; but no person is prevented from voluntarily subscribing a larger sum.

Organization of society.

" 1635b. Whenever such society has appropriated, for its purposes, a sum of at least three hundred dollars, the Commissioner, if he approves of its proceedings, gives notice in the Quebec Official Gazette, and thenceforward, it forms a legal corporation under the name of " District of Agricultural Society," with a right

Name and general powers.

- to acquire and possess lands and buildings in which to hold its exhibitions and meetings or to establish an agricultural school, as also the power of selling and leasing or otherwise disposing of such lands, provided it possess not more than three hundred acres at a time.

" **1635c.** The board of management of a district agricultural society is composed of a president, a vice-president and a secretary-treasurer, who are elected by the members of the society convened in general meeting for such purpose. Board of management and how elected.

" **1635d.** The operations of every such society extend over the whole district, without reference to its subdivision into counties. Extent of operations of society.

" **1635e.** The board of management of the society is bound to report to the Commissioner the election of its officers immediately after it has been held, to inform him in the month of May of the amount which it has at its disposal for the current year, and the use it intends to make of its funds. Report to Commissioner as to election, &c.

The board shall forward, in the month of December in each year, to the Commissioner, a detailed statement of the employment of its funds, approved and sworn to by the secretary-treasurer. Statement of affairs.

" **1635f.** Wherever such a society has been authorized and constituted, the right possessed by county societies in the same district to unite to form a district society, shall thereupon cease. Certain county societies cannot form society if one formed under these provisions.

" **1635g.** The place for holding the district exhibition is selected by the board of management of the society, and shall be in the centre or as near the centre as possible to the centre of the district. Place for holding district exhibitions.

## CAP. XXV.

An Act to amend the law respecting the formation of colonization societies.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The first paragraph of article 1725 of the Revised Statutes of the Province of Quebec is amended so as to read as follows : R. S. Q., art 1725 amend. ed.

Formation of  
colonization  
societies in  
certain places.

" A colonization society may, as hereinafter provided, be formed in each of the cities and towns of Montreal, Quebec, Three Rivers, St Hyacinthe, Sherbrooke, Hull, Chicoutimi, and Rimouski, as well as in any other place approved by the Lieutenant-Governor in Council, and the aim and object of such societies shall be : "

Coming into  
force.

2. This Act shall come into force on the day of its sanction.

## C A P. X X V I.

An Act to confer a privilege upon fathers or mothers of of families who have twelve children living.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS it is advisable, following the example of past centuries, to give marks of consideration for fruitfulness in the sacred bonds of matrimony ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Section added  
after R. S. Q.,  
t. 4, c. 7, s. 12.

1. The following section is added to chapter seven of title four of the Revised Statutes of the Province of Quebec :

### "SECTION XIII.

#### " PRIVILEGE OF FATHERS OR MOTHERS OF FAMILIES WHO HAVE TWELVE CHILDREN LIVING.

Certain  
fathers en-  
titled to grant  
of public  
lands.

" 1748a. Every father or mother of a family, born or naturalized and domiciled in this Province, who has twelve children living, born in lawful wedlock, is entitled to one hundred acres of public lands, to be selected by him, subject to the conditions of concession and settlement required by the law respecting Crown Lands.

Property in  
such land.

" 1748b. The enjoyment and usufruct of the said hundred acres of land shall belong to the father or mother of such twelve children, during his or her life-time, and the ownership, including the amounts expended thereon and improvements thereto, belongs to that one of the twelve children in whose favour the father, or, in case of his death, the mother, has made a donation or gift *inter vivos* or by will to be his homestead.

How to be dis-  
posed of.

If not disposed  
of.

" 1748c. In the event of the father or mother dying without making a donation as aforesaid, the property falls into the estate or succession.

" **1748d.** The lands so given by the Government cannot be alienated by the father or mother so long as they have the enjoyment thereof, nor, except for municipal or school taxes and construction of and repairs to churches or parsonages, be seized or hypothecated. Property not to be alienated or subject to seizure, &c.

" **1748e.** Every father or mother of a family, who is entitled to benefit by the advantages granted by this act, shall, for that purpose, present a petition to the Provincial Secretary accompanied by his certificate of marriage, a certificate of birth of each child, as well as a certificate, sworn before a justice of the peace, giving the number and names of such children, drawn up according to form A of this section, or in any other form of like tenor. Petition required for grant of land

" **1748f.** After examining the petition and certificates, the Provincial Secretary reports to the Lieutenant-Governor in Council. Report thereon.

" **1748g.** If the Lieutenant-Governor in Council grants the petition, an order is passed to that effect and a copy is sent to the Commissioner of Crown Lands, whose duty it is to grant the petitioner the one hundred acres he has selected. Order in Council for grant.

" **1748h.** A title of concession, drawn up according to form B, or in any other form of like tenor, is given in consequence by the Commissioner to avail for all lawful purposes. Title to land.

" **1748i.** Books shall be kept in the Department of Crown Lands, showing : Books to be kept in Department of Crown Lands respecting.

1. The date of the Order in Council granting the petition ;
2. The lands granted by the Commissioner and the part of the Province in which they are situated ;
3. The names of the persons to whom they are granted ;
4. The date of the grant or title."

**2.** This act shall come into force on the day of the sanction thereof. Coming into force.

## FORM A.

CERTIFICATE OF THE FATHER *or* MOTHER OF A FAMILY  
THAT HE *or* SHE HAS TWELVE CHILDREN LIVING.

I \_\_\_\_\_ of \_\_\_\_\_  
do certify in the presence of \_\_\_\_\_  
justice of the peace for the district of \_\_\_\_\_  
that I have twelve children living, issue of my lawful  
marriage with \_\_\_\_\_ my wife (*or* husband,) \_\_\_\_\_  
the names of such children being as follows :

(Signed)

A. B.

Father (*or* mother) of the family

Sworn before me at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
(Signed)

C. D.

Justice of the Peace.

## FORM B.

GRANT OF PUBLIC LANDS IN FAVOUR OF THE FATHER  
*or* MOTHER OF A FAMILY HAVING TWELVE  
CHILDREN LIVING.

CANADA }  
PROVINCE OF QUEBEC. }

VICTORIA, BY THE GRACE OF GOD, OF THE UNITED KING-  
DOM OF GREAT BRITAIN & IRELAND, QUEEN, DEFEN-  
DER OF THE FAITH &c. &c.

To all to whom these presents shall come or whom the  
same may concern,

GREETING :

Know ye that of OUR SPECIAL GRACE, full knowledge  
and good will, We have given and granted, for Ourselves,  
Our heirs and successors, and by these presents do give  
and grant unto (*name of the father or mother*) in our Province  
of Quebec, who has established, according to law, that he  
*or* she is the father *or* mother of twelve living children,  
issue of his *or* her lawful marriage with (*name of wife or*  
*husband*), all that parcel of land being and situate in the  
township of \_\_\_\_\_ in the county of \_\_\_\_\_  
in Our said Province of Quebec,

containing, according to survey, one hundred acres, more or less, and described as follows ; to wit :

For the said (*name of the father or mother*) and in the event of the death of the husband, his widow, to enjoy the same as usufructuary as property in free and common soccage, according to the law of the country, and to leave the ownership thereof to one of his *or* her twelve children at his *or* her option, the whole in accordance with Section XIIIa, of chapter seven of title four of the Revised Statutes of the Province of Quebec.

In faith and testimony whereof WE have caused these OUR LETTERS TO BE MADE PATENT and the GREAT SEAL OF OUR said Province of Quebec to be thereunto affixed.

WITNESS OUR FAITHFUL AND WELL BELOVED, the Honorable \_\_\_\_\_, Lieutenant-Governor of OUR said Province of Quebec.

Given in OUR city of Quebec, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of OUR LORD one thousand eight hundred and \_\_\_\_\_ and of Our Reign the \_\_\_\_\_

By order,

Secretary

Asst.-Com. of Cown Lands.

## C A P. XXVII.

An Act to amend the law respecting Public Instruction.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 1916 of the Revised Statutes of the Province of Quebec is amended, by adding in the fifth line of the second paragraph, after the words " within eight days," the words " at least." R. S. Q., art. 1916 amend-  
ed.

**2.** Paragraph 2 of article 2020 of the said Revised Statutes is repealed. Id., art. 2020,  
§ 2 repealed.

**3.** Article 2022 of the said Revised Statutes is amended, by adding the following words : " which shall be given at least two days before that fixed for such meetings." Id., art. 2022  
amended.

§ 14 added to  
R. S. Q., art.  
2026.

Dismiss for  
immoral con-  
duct.

**4.** The following paragraph is added after paragraph 13 of article 2026 of the said Revised Statutes:

" 14. To dismiss from the school any pupil whose conduct is immoral, either in word or deed."

R. S. Q., art.  
2048 replaced.

**5.** Article 2048 of the said Revised Statutes is replaced by the following:

Commutation  
of school rates  
with certain  
industrial  
companies,  
&c., by school  
commission-  
ers.

" **2048.** The schools commissioners may, by a regular resolution commute, for the payment annually of a certain determinate sum of money, for a number of years not to exceed ten, the school taxes on buildings, land and property occupied by any person, partnership or company lawfully incorporated for carrying on any manufacturing or industrial undertaking within the limits of their municipality.

Id., by school  
trustees.

Dissentient school trustees have the same powers." \*

R. S. Q., art.  
2052, amend-  
ed.

**6.** Article 2052 of the said Revised Statutes is amended by striking out the words "other than a model school" in the fourth line thereof.

Id., art. 2055,  
amended.

**7.** Article 2055 of the said Revised Statutes is amended, by striking out the following words at the end of the first paragraph: "but such appeal shall not be allowed unless with the approval, in writing, of three visitors other than the school commissioners or trustees of the municipality."

Art. added  
after R. S. Q.,  
art. 2094.

**8.** The following article is added after article 2094 of the said Revised Statutes:

Guarantee  
policy may be  
given by  
secretary-  
treasurer in  
lieu of bond,  
if commis-  
sioners con-  
sent.

" **2094a.** The secretary treasurer may, with the consent of the school commissioners or trustees, in place of the bond mentioned in the preceding articles, give, security by a guarantee insurance contract or policy in favor of the said school commissioners or trustees, in any insurance company incorporated for that purpose and approved by the said school commissioners or trustees and by the superintendent of public instruction;

Consent how  
given.  
Premium may  
be retained  
out of secre-  
tary-treasu-  
rer's remun-  
eration.

Such consent is given by resolution adopted by the school commissioners or trustees.

The premium on the guarantee insurance policy may be paid by the school commissioners or trustees, and afterwards retained by them out of the salary or remuneration of the secretary-treasurer.

Article ap-  
plies to cer-  
tain ass. sec.  
treas.

The provisions of this article apply to the assistant-secretary-treasurer appointed under article 2113."

R. S. Q., art.  
2131 amend-  
ed.

**9.** Article 2131 of the said Revised Statutes is amended, by striking out, in the seventh and eighth lines of the

\* See chapter 29 of these Statutes.

first paragraph, the words: "during the course of the two months which shall follow their appointment."

**10.** Article 2146 of the said Revised Statutes is amended, Id., art. 2146 by replacing the words "may cause" in the first line, by amended. the words "may order."

**11.** Articles 1865, 1866, 1867, 1868, 2011, 2016, 2017, Id., art. 1865 2018, 2035 and 2075 of the said Revised Statutes are to 1869, 2011, amended by striking out the words "in council", 2016 to 2018, where 2035 and 2075, ever found therein. amended.

**12.** This act shall come into force on the day of its Coming into sanction. force.

### CAP. XXVIII.

An Act to amend the law respecting Public Instruction.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Article 1973 of the Revised Statutes of the Province R. S. Q. 1973, of Quebec, as replaced by the act 52 Victoria, chapter 24, and 53 V., c. section 2, is amended by adding after the words "take 24, s. 2, amend- place," at the end of the ninth line, the following words: Changes may "The Lieutenant-Governor in Council may provide that affect reli- the changes so made shall apply to the religious majority gious major- only or to the religious minority only, as the case may ity or minor- require, of the school municipalities affected by such ity only. changes, and"

**2.** This act shall come into force on the day of its sanc- Coming into tion. force.

### CAP. XXIX.

An Act to amend an act of this session, chaptered 27, intituled: "An Act to amend the law respecting Public Instruction.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Article 2048 of the Revised Statutes of the Province R. S. Q. 2048 of Quebec, as replaced by section 5 of the ~~act~~ mentioned and 53 V., c. 27 s. 5, amend- ed.

in the title of this act is, amended by striking out the words: "Dissentient school trustees have the same powers", and replacing them by the following:

Power of dissentient school trustees to commute school taxes of certain persons, &c., and proceedings in such case.

Proceedings if trustees do not commute after commissioners have commuted.

"Dissentient school trustees may, in the same way, commute their share of such school taxes, and, in such case, the school commissioners shall collect, from such person, firm or company, in addition to the share for which they have themselves commuted, the sum for which the said dissentient school trustees have commuted, and the said school commissioners shall pay such sum to the said dissentient school trustees annually; if, however, the dissentient school trustees do not deem it advisable to commute their share of such school taxes, the school commissioners shall continue to levy and collect from any such person, firm or incorporated company, and shall pay annually to the dissentient school trustees, the amount of the taxes which the said trustees would have been entitled to receive, in accordance with article 2143 of these Revised Statutes, if the commissioners had not commuted their share of the said school taxes."

Coming into force.

2. This act shall come into force on the day of its sanction.

### C A P. X X X .

An Act to amend article 1997 of the Revised Statutes of the Province of Quebec, respecting the election of school commissioners.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S. Q., art. 1997 amended.

Where meeting may be held for elections.

1. Article 1997 of the Revised Statutes of the Province of Quebec, is amended by adding thereto the following paragraph:

"Such meeting is held at the place which may have been fixed by resolution of the school commissioners or trustees, within the municipality itself or in a neighbouring city, town or village municipality, if such city, town or village municipality forms part of the same parish or township."

## CAP. XXXI.

An Act respecting the Superior Education Investment and Income funds and to amend the Act 51-52 Victoria, chapter 13, intituled : " An Act respecting the settlement of the Jesuits' Estates. "

[Assented to 2nd April, 1890.]

**WHEREAS** it is enacted by sections one to five inclusive of chapter 15 of the Consolidated Statutes for Lower Canada, as follows, that is to say :

Preamble.

" SUPERIOR EDUCATION INVESTMENT AND INCOME FUND.

" 1. The Estates and property of the late Order of Jesuits, whether in possession or reversion, including all sums funded or invested, or to be funded or invested, as forming part thereof, and the principal of all moneys which have arisen or shall arise from the sale or commutation of any part of the said Estates or property, are hereby appropriated to the purposes of this act, and shall form a fund to be called the ' Lower Canada Superior Education Investment Fund,' and shall be under the control and management of the Governor in Council, for the purposes of this act ; and the said fund shall be understood to be intended by the words ' the said Investment Fund ' whenever they occur in this act. 19-20 V., c. 54, s. 1 ; C. S. L. C., c. 15, s. 1.

" 2. The revenues and interest arising from the said Investment Fund, that is to say :

" 1st. The revenues and interest to arise from the real property forming part of the Jesuits' Estates, or from moneys funded or invested as belonging to the said Estates, or from any property, real or personal, reversible to the said Estates as part of them ;—the revenues and interest of investments made or to be made, and of debentures held or to be held, on account of the said Estates ;

" 2ndly. The income and interest to arise from investments to be made out of the moneys received or to be received from commutations effected or to be effected in the seigniories forming part of the said Estates, or out of the moneys to be received from the collection of any arrears of revenues, interest, and of debts now due, being part of the said Estates, and out of all moneys which, in lieu of any seigniorial right to be abolished or commuted, will, as part of the said Estates, become due and payable under the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855, or under any other Provincial Act, enacted or to be enacted, in relation to the abolition or commutation of feudal rights and duties in Lower Canada ;

“ 3rdly. The revenue and interest to arise from investments to be made out of the moneys to be received from the sale of any portion of the said Estates, or from the sale or redemption of any *rente foncière* or *rente constituée*, being part of the said Estates,—shall, with the unexpended and unclaimed yearly balances of the Common School Fund for Lower Canada, and the sum hereinafter directed to be paid yearly out of the Consolidated Revenue Fund of this Province, and with any sum to be taken for the purpose, in any year, out of the Common School Fund of Lower Canada form a fund to be called the ‘Lower Canada Superior Education Income Fund,’ and the said fund shall be understood to be intended by the words ‘the said Income Fund,’ whenever they occur in this act. 19-20 V., c. 54, s. 2; C. S. L. C., c. 15, s. 2.

“ 3. Whenever it appears to the Governor in Council that the said Income Fund can be increased by the sale and by the investment of the proceeds of the sale of any portion of the said Estates, or of any *rente foncière* or *rente constituée* then forming part of them, the Governor in Council may order such sale to be made, and may direct that the moneys realized by it be invested in provincial debentures or other securities, the annual interest or income whereof, shall form part of the said Income Fund. 19-20 V., c. 54, s. 3; C. S. L. C., c. 15, s. 3.

“ 4. There shall be annually placed to the credit of the said Income Fund, the sum of twenty thousand dollars, out of the Consolidated Revenue Fund of this Province, which sum shall form part of the said Income Fund, and be appropriated accordingly;—and if in any year the said Income Fund falls short of the sum of eighty-eight thousand dollars, then such sum as may be necessary to make it equal to eighty-eight thousand dollars, shall be taken from the Common School Fund of Lower Canada, and added to the said Income Fund for that year, as part thereof. 19-20 V., c. 54, s. 4; C. S. L. C., c. 15, s. 4.

“ 5. If in any one year the whole of the Income Fund is not apportioned, the balance not distributed shall remain for further distribution as hereinafter provided, or shall, if the Governor so directs, be invested and the income or the interest of the investment shall be added to the said Income Fund, and the principal shall form part of the said Investment Fund.” 19-20 V., c. 54, s. 6; C. S. L. C., c. 15, s. 5.

Whereas, since the passage of the Act 51-52 Victoria, chapter 13, and the coming into force of the Revised Statutes of the Province of Quebec, difficulties have arisen respecting the sum of sixty thousand dollars allowed to the Protestant minority of this Province for Superior Education

as an equivalent proportion to the sum of four hundred thousand dollars granted in settlement of the Jesuits' Estates' claims by the said Act 51-52 Victoria, chapter 13, and as regards the said Superior Education Investment and Income Funds ;

Whereas the Protestant Committee of the Council of Public Instruction, at a meeting held on the 25th September, 1889, in answer to a communication requesting the Committee to give a specific reply as to how they proposed to deal with the said sum of sixty thousand dollars, resolved :

" 1. That in answer to the communication of the Honorable the Premier, dated Quebec, June 11th, 1889, requesting the Committee to give a specific reply to the enquiry therein contained, we hereby declare our readiness to discharge the duties devolving upon us as the Protestant Committee of the Council of Public Instruction, as required by article 2203 of the Revised Statutes of the Province of Quebec, and to administer any sums placed in our hands by the Provincial Legislature for Superior Education.

" 2. That at the same time, viewing with apprehension any legislation imperilling existing guarantees for the support of Superior Education in this Province, and in accordance with the action of this Committee at its meeting held May 14th, 1889, we hereby strongly reaffirm our request that the Government will, by legislation, restore the cancelled Trust as set forth in our report of the above date, and replace the Jesuits' Estates, or the proceeds thereof, as an Investment Fund for Superior Education ; and also re-establish the Superior Education Income Fund, as constituted by the Act of 1856.

" 3. That the principal difficulty felt by this Committee, with respect to the Jesuits' Estates' Act and the sum of \$60,000 referred to in the letter of the Honorable the Premier, arises from the fact that the grant of the said amount is embodied in an Act of the Legislature which has been authoritatively stated to render obsolete the clauses of the Educational Law containing the above guarantees.

" 4. This Committee would also again draw the attention of the Government to the representations contained in its report adopted May 14th, 1889, to the following effect :

" The Roman Catholic Body receive a free grant of \$400,000 and the rights of the Government in Laprairie Common, while the Protestants receive permission to distribute the income arising from the investment of \$60,000 subject to the approval of the Lieutenant-Governor in Council.

“ Further, we submit that the sum of \$60,000 granted by the Jesuits' Estates' settlement act is less than the amount due to the Protestants, according to population.

“ 5. We therefore respectfully request that the legislation necessary to restore and perpetuate the above mentioned guarantees in favor of Superior Education in this Province and otherwise meet the views of this Committee in the premises, be obtained, if possible, at the approaching session of the Provincial Legislature and that, in the meantime, interest be allowed upon the capital sum of \$60,000 from the time the Jesuits' Estates' settlement Act came into effect.”

Whereas the settlement authorized by the said Act 51-52 Victoria, chapter 13, has been made, and the said sum of four hundred thousand dollars, with interest from the thirteenth day of August, 1888, paid over thereunder as therein provided.

Whereas the following letter was sent to the Protestant Committee of the Council of Public Instruction :

“ CABINET DU PREMIER MINISTRE.

“ PROVINCE OF QUEBEC.

“ QUEBEC, 9th OCTOBER, 1889.

“ MY LORD,

“ We, my colleagues and myself, have examined, with great care and a deep sense of the responsibility bearing on us, the resolutions of the Protestant Committee of the Council of Public Instruction, passed at its session of the 25th September last, and transmitted by Your Lordship's letter of the 1st of October instant, and I am authorized to answer as follows :

“ 1. I am indeed very happy to hear that the members of the Protestant Committee declare their readiness to discharge the duties devolving upon them and to administer any sums placed in their hands by the Provincial Legislature for Superior Education. I understand, therefore, that they accept, in the name of the Protestants of this Province, the public trust imposed upon them to distribute the sixty thousand dollars (\$60,000.00) given them by the Jesuits' Estates' Act.

“ 2. I understand also that this acceptance is made on four conditions, viz. :

“ (a) That the Superior Education Fund, in existence before the Jesuits' Estates' Act, be restored ;

" (b) That the Protestant Committee should receive in capital the sixty thousand dollars (\$60,000.00) instead of the right to distribute the income arising from the investment of said amount ;

" (c) That this amount of sixty thousand dollars (\$60,000.00) should be increased, because it is less than the amount due to the Protestants, according to population :

" (d) That the interest on said amount of sixty thousand dollars (\$60,000.00) be allowed from the time the Jesuits' Estates' Act came into effect till said amount is paid.

" 3. With your kind permission, My Lord, I will examine separately every one of these conditions :

" (a) That the Superior Education Fund, in 'existence before the Jesuits' Estates Act, be restored.'

" 4. The intention of the Government never was to abolish this Fund, and therefore we cannot have the slightest objection to recommend that the law be reconstituted as it was before the Jesuits' Estates Act, if it is found necessary. The truth of this statement and the sincerity of our action in this behalf, appear : 1. in the following extract of an official letter sent by the undersigned to Cardinal Simeoni, in answer to a question on the very same subject ; 2. in a letter sent me by Mr. Oliver, one of the Law Clerks of the Legislature and one of the secretaries of the Commission for the revision of the Statutes of the Province, published at the end of last year ; and 3. in the text itself of section fourth of the Jesuits' Estates' Act

" Here are these documents :

" 1. Extract of an official letter sent to Cardinal Simeoni, Prefect of the Sacred Congregation of the Propaganda at Rome, dated the 25th October, 1888 :

*" First Question.*

" Does the Government of the Province of Quebec intend to continue to give, in future, either to the three archbishops or to the five bishops of Lower Canada, or again to the Jesuit Fathers, the grants hitherto voted for Superior Education even after having paid to the parties indicated by His Holiness the Pope the sum granted by the Act of last session, in settlement of the question of the Jesuits' Estates.

" Answer.—Yes.

" In virtue of an old law, the revenues of the Jesuits' Estates formed a special Education Fund, the amount whereof, which has hardly varied since 1867, is now seventy-eight thousand four hundred and ten dollars, (\$78,410.00), of which sixty-six thousand two hundred

" and forty dollars (\$66,240.00) are at the disposal of the  
 " Roman Catholics, and twelve thousand one hundred  
 " and seventy dollars (\$12,170.00) at the disposal of the  
 " Protestants.

" The Government intends to leave that amount intact,  
 " at the disposal of the Council of Public Instruction.

" This Council consists :

" 1. *Ex-officio* of all the Roman Catholic bishops of the  
 " Province and of a Roman Catholic layman appointed  
 " by the Government for each of such bishops.

" 2. Of a certain number of Protestants who are also  
 " appointed by the Government.

" This Council meets very seldom and then only to  
 " discuss matters of general interest respecting Education ;  
 " the affairs are practically managed by two separate  
 " Committees :

" 1. One called ' the Roman Catholic Committee ' com-  
 " posed of the Roman Catholic Bishops and Roman Ca-  
 " tholic laymen appointed as aforesaid ;

" 2. Another called the ' Protestant Committee ' con-  
 " sisting of Protestants also appointed as aforesaid and of  
 " a certain number of associate members appointed by  
 " that Committee.

" Each Committee sits separately, and every year it  
 " makes the distribution of the sums above mentioned,  
 " namely :

" 1. The Roman Catholic Committee, sixty-six thou-  
 " sand two hundred and forty dollars (\$66,240.00) ;

" 2. The Protestant Committee, twelve thousand one  
 " hundred and seventy dollars (\$12,170.00).

" The document A, hereunto annexed, shows how this  
 " sum of sixty-six thousand two hundred and forty dollars  
 " (\$66,240.00) was distributed by the Roman Catholic  
 " Committee this year and last year, limiting the details  
 " to classical colleges and giving in a lump sum the  
 " amounts granted to convents and other institutions of  
 " lesser importance in each diocese.

#### DOCUMENT A.

" Amount voted by the Legislature of Quebec for Superior Education, during each of the years 1886-87 and 1887-88.....			\$78,410 00
" Share of Roman Catholics.....	\$66,240 00		
" Protestants.....	12,170 00		
	Total		\$78,410.00

" 2. Letter from Mr. Theo. H. Oliver :

" QUEBEC, 4th October, 1889.

" Honorable Mr MERCIER,

" Premier .

" Quebec.

" SIR,

" In compliance with your request of this A. M., I have the honor to state the following :

" During the early part of last session you sent for me as one of the secretaries of the late Codification Commission to meet and explain to Dr Cameron, M. P. P., why sections 1 to 5 of chapter 15 of the Consolidated Statutes for Lower Canada had not been included in the Revised Statutes, then just come into force. I met you and the Doctor in the Speaker's room, and there, in answer to your question whether we (that is, Mr. Pariseau and myself) had consulted any person before leaving out the sections in question, I told you that we had consulted no one, considering that we were sufficiently authorized by sections 6 and 7 of the Act 51-52 Vic., c. 13, but had spoken to the officers of the Education Office who had told us that these sections had for years been disused.

" I have the honor to be,

" Sir,

" Your obedient servant,

(signed) " THEO. H. OLIVER.

" English secretary of the late

" Codification Commission."

" 3. Section four of said Act provides that the interest of the \$60,000 shall be apportioned, in addition to, and in the same manner, as any sums now granted by law for the purpose of Protestant Superior Education in this Province."

" These words surely show conclusively that our intention was not to cancel the Fund of Superior Education nor to take away, from the Protestant Committee, any right they were then enjoying or any grant of money they were then receiving from the Government.

" (b) That the Protestant Committee should receive in capital the sixty thousand dollars (\$60,000) instead of the right to distribute the income arising from the investment of said amount."

" 5. Allow me to offer, Your Lordship, the following observations on this point which will, I hope, also be found satisfactory.

" The said bill was bill No. 169 of the session of 1888, and was introduced and read for the first time on the 28th of June, based on resolutions recommended by His Honor the Lieutenant-Governor. The fourth resolution reads as follows. (Journals of the Legislative Assembly, 1888, page 300) :

" 4. On such settlement being effected, the Lieutenant-Governor in Council may pay out of any public money at his disposal, a sum of sixty thousand dollars to the different Protestant and dissentient universities and educational institutions, according to the distribution which shall be made by the Protestant Committee of the Council of Public Instruction."

" On the 3rd July (page 311 of the same Journals), the following procedure took place :

" The Order of the Day being read, for the second reading of the Bill respecting the settlement of the Jesuits' Estates ;

" The Bill was accordingly read a second time ; and committed to a Committee of the Whole House.

" *Resolved*, That this House do immediately resolve itself into the said Committee.

" The House accordingly resolved itself into the said Committee ; and after some time spent therein, Mr. Speaker resumed the Chair ; and Mr. Robidoux reported :

" That the Committee had gone through the Bill, and made an amendment thereunto.

" *Ordered*, That the Bill, as amended in the Committee, be now taken into consideration.

" The House accordingly proceeded to take the Bill into consideration.

" *Ordered*, That the Bill be now read the third time.

" The Bill was accordingly read the third time.

" *Resolved*, That the Bill do pass.

" *Ordered*, That the clerk do carry the Bill to the Legislative Council, and desire their concurrence.

" Please notice, My Lord, that an amendment, one single amendment, was made in the Committee of the Whole House, and said amendment was to strike off section 4th, already quoted, and to replace it by the following section 4th :

" 4. On such settlement being effected, the Lieutenant-Governor in Council may pay, out of any public money at his disposal, a sum of sixty thousand dollars to the Protestant Committee of the Council of Public Instruction to be invested by the said committee.

" The interest from said investment shall be annually apportioned by the Protestant Committee, with the

" approval of the Lieutenant-Governor in Council, among  
 " the Protestant institutions of Superior Education, in  
 " addition to and in the same manner as any sums now  
 " granted by law for the purpose of Protestant Superior  
 " Education in this Province."

" When the original section 4th was discussed before the  
 " Committee, I was asked by the Hon. Mr Lynch to suspend  
 " the sitting for a few minutes, to allow the Protestant  
 " members of the House to meet together in an adjoining  
 " room, and see whether they could agree on an amendment  
 " to said clause, the majority of the Protestant members of  
 " the House not being disposed to leave the distribution of  
 " this capital to the Protestant Committee of the Council  
 " of Public Instruction.

" I willingly granted the request. The Protestant  
 " members withdrew and came back after a very short  
 " absence with an amendment in the handwriting of  
 " the Reverend Mr. Roxford, the Secretary of the Protes-  
 " tant Committee, with the exception of the word  
 " 'annually,' written in the margin, and which was in  
 " the Hon. Mr. Lynch's handwriting. That gentleman  
 " asked me if I would accept this amendment, and on my  
 " consenting, he moved it and it was unanimously carried.  
 " This amendment is verbatim the present section 4th in  
 " the said Statutes.

" The original of said amendment is still in the custody  
 " of the proper officer of the House.

" The above statements are corroborated by the three  
 " following documents, marked respectively 1, 2 and 3 ;  
 " the first being a letter from Mr. Louis Delorme, Clerk of  
 " the Legislative Assembly, the second a certificate from  
 " Mr. Charles A. Pariseault, Law Clerk, and the third being  
 " a letter from the Hon. Judge Lynch.

" 1. Mr. Delorme's letter :

*(Translation)*

" LEGISLATIVE ASSEMBLY,

" QUEBEC, 9th July, 1889.

" Honorable H. MERCIER,

" Prime Minister of the Province of Quebec,

" Montreal.

" SIR,

" I have the honor to acknowledge the receipt of your  
 " letter of yesterday, in which " you ask me for certain  
 " information respecting the proceedings of the Legisla-  
 " tive Assembly on the Bill No. 169 submitted to the  
 " Committee of the Whole House as follows : " Bill

"respecting the settlement of the Jesuits' Estates." See Journals of the 3rd July, 1888, page 311.

"You will observe that this Bill was read a second time, amended in committee and read the third time all on the same day, *nemine contradicente*, although there was an amendment and that the usual practice is to postpone the reading of an amendment to a bill to a subsequent sitting if not to another day. I may add that an amendment was made in committee which was drawn up in the English language (see the certificate of the Law Clerk respecting such amendment, which is enclosed herewith.)

"From information I have obtained in the Department of Public Instruction, this amendment is in the handwriting of Rev. Mr. E. I. Rexford, the Protestant Secretary of the Department of Public Instruction, and was inserted in the Bill, in committee of the Whole House, at the request of Hon. Mr. Lynch. There is a correction in the original motion, viz: the word 'annually,' which is in the handwriting of that Honorable gentleman, who watched this bill very attentively with Mr. W. Owens, the member for the electoral district of Argenteuil.

"This amendment was adopted and inserted in the bill in committee, then read twice and adopted by the House, and read the third time immediately, as none of the members of the Protestant minority objected to the immediate consideration of the amendment according to our rules 43 and 47..... See May 559, Bourinot 558, 559.

"I have the honor to be, etc.,

"(signed) LOUIS DELORME,

"Clerk of the Legislative Assembly."

"2. Mr. C. A. Pariseault's certificate :

(Translation)

"After having examined the writing of the amendment made to section 4 of Bill No 169 intituled : 'An Act respecting the settlement of the Jesuits' Estates,' I declare that the said bill, as passed, was passed in the English language and that the amendment was drawn up in English. I further certify that, from information obtained in the Department of Public Instruction, the amendment, as drafted in the record, was drafted in the handwriting of Rev. Elson I. Rexford, the Protestant secretary of the Council of Public Instruction, with the exception of the word 'annually' which comes after the following words in the amendment : 'The interest ari-

"sing from said investment shall be.....,' and which  
"appears to be in the handwriting of Hon. W. W. Lynch.

"Quebec, 9th July, 1889.

(Signed) "Chas. A. PARISEAULT,

"Law Clerk."

"3. Hon. Judge Lynch's letter :

"MONTREAL, 16th July, 1889.

Dear Mr. Premier,

"You asked me a few days since if I recollected the  
"circumstances connected with that clause of the bill  
"introduced by you during the session of 1888, respecting  
"the settlement of the Jesuits' Estates, which referred to  
"the \$60,000. I have a fairly distinct remembrance of  
"what occurred at the time. The clause in question ori-  
"ginally provided that this amount should be divided  
"among the Protestant universities and other educational  
"institutions of the Province in such manner as should  
"be determined by the Protestant Committee of the  
"Council of Public Instruction.

"The Protestant members of the House discussed among  
"themselves the advisability of this distribution and con-  
"ferred with Mr. Rexford, the Protestant secretary of the  
"Educational Department, with the result that they  
"determined to ask you to allow the clause to be modi-  
"fied in such manner as that the same would be paid  
"over to the Protestant Committee to be invested by them  
"and the interest distributed annually in the same man-  
"ner as the existing sum annually voted for Superior  
"Education is distributed ; and when the House was in  
"Committee of the Whole on the Bill, you accepted the  
"section thus agreed upon, and which is identical with  
"the section of the law as it now stands on the Statute  
"book. This is, I think, a complete resumé of what  
"occurred at the time.

"I am, Mr. Premier,

"Your's very truly,

(Signed) "W. W. LYNCH.

Honorable H. MERCIER,

"Premier etc.

"Montreal.

"I need dwell no longer on the subject, My Lord. These  
"documents will be found conclusive, no doubt, by any  
"intelligent man ; and if section 4th of the Jesuits' Estates'

" Act is objectionable on the point raised by the Protestant  
" Committee, it is not the fault of the Government, nor of  
" the Roman Catholic members of the House. The respon-  
" sibility of the change lies entirely and exclusively on  
" the Protestant members.

" Of course, however, there cannot be the slightest objec-  
" tion, on the part of the Government, to accept the second  
" condition, contained in the resolutions transmitted, in  
" connection with the payment of the \$60,000. It was the  
" intention of the Government to give the sixty thousand  
" dollars (\$60,000.00) in capital to the Protestant Committee,  
" in the same way and with the same effect as the four  
" hundred thousand dollars (\$400,000.00) were given to the  
" Roman Catholics; and the Government is ready, if the  
" Protestant members of the House agree to it, to restore in  
" the law the original section 4th, as placed in Bill No. 169.

" '(c) That this amount of sixty thousand dollars (\$60,-  
" 000.00) should be increased, because it is less than the  
" amount due to the Protestants, according to population.'

" 6. This condition cannot be refused, if it is proved  
" that the amount is insufficient. We thought at the  
" time that the amount was the fair proportion to which  
" the Protestants were entitled.

" '(d) That the interest on said amount of sixty thou-  
" sand dollars (\$60,000.00) be allowed, from the time the  
" Jesuits' Estates' Act came into effect, till said amount is  
" paid.'

" 7. The Government cannot consent, My Lord, to this  
" fourth condition in the form in which it is stated; but  
" is ready to place the Protestants on the same footing  
" as the Roman Catholics, in this connection. The inte-  
" rest on the grant to the Roman Catholics runs from  
" the 30th of August, 1888, and the Government is  
" prepared to recommend to the Legislature that the  
" interest on the grant to the Protestants should run  
" from the same date and at the same rate.

" 8. These are the remarks I have to offer. My Lord, upon  
" your honored communication, and I hope they will be  
" found satisfactory.

" The desire of the Government is to render justice on  
" every occasion, and give full satisfaction to the Protes-  
" tant minority, in this Province, whenever it is possible;  
" and we hope Your Lordship, your colleagues the other  
" members of the Protestant Committee, and, generally, the  
" Protestants of this Province, will appreciate the friendly  
" and liberal way in which we try to meet the views  
" expressed in the resolutions of the said Committee.

" I do not think proper to add anything more, my intention being to limit myself to mere statements of fact and publication of documents, and chiefly to avoid any reference to the most regrettable agitation that has taken place recently in connection with this question, leaving to the sound judgment and honest feeling of the people of this country to decide who is wrong and who is right in this very important matter.

" With a profound respect for Your Lordship, I have the honor to be.

" Your most devoted,

(Signed) " HONORÉ MERCIER,

" Prime Minister.

" Right Reverend James Williams,

" Lord Bishop of Quebec,

" Quebec, P. Q. "

Whereas the Roman Catholic population of the Province by the last census was 1,170,718 and the Protestant population 184,274, which would increase the sum to be granted to the sum of \$62,961.00.

And whereas, finally, at a meeting of the said Protestant Committee of the Council of Public Instruction, held on the sixth day of November, 1889, it was resolved:

" First, that the Committee has heard with great satisfaction that it is the intention of the Government to introduce the necessary legislation in order to restore and perpetuate the Jesuits' Estates' trust as originally constituted, and the provisions made in the Act of 1856 for a permanent Superior Education Investment Fund, in accordance with the memorandum submitted to the Government by this Committee ;

" Second, that the Committee begs to express its readiness to co-operate to that end, if informed of the nature of the legislation proposed, and would respectfully suggest that such legislation, so far as it refers to the pre-existing law, should, as far as possible, take the form of a declaratory act ;

" Third, that the Committee also begs to thank the Hon. the Premier for his expressed intention as to the revision of the proportion of the grant made to Protestants.

" Fourth, that the Committee would further state, with respect to its position in the matter of the grant of \$60,000, that in its answer to the Premier's letter it was not intended either formally to accept or refuse said grant, conditionally or otherwise, the Committee holding that it has no power to refuse any grant accorded by the

"Legislature for the purposes of Education, but the Committee holds that it is its duty to call the attention of the Government to any matter affecting the educational interests committed to it.

"Fifth, that with reference to the statements made by this Committee, in its resolutions of the 25th September last, as to the method prescribed for the administration of the Fund, this Committee still holds that these statements were proper and necessary under the circumstances, but, at the same time, it recognizes the fact that such subjects must be left to the decision of the Legislature.

"Sixth, that the Committee desires also to state most distinctly that it does not wish in any way to reflect on the Protestant members of the Legislature, and having heard the explanation of the secretary, given in May last, and at this meeting, on the points raised by the Honorable the Premier, it considers these explanations satisfactory ;"

And whereas it is necessary to carry out the said several undertakings ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows :

C. S. L. C.,  
c. 15, ss. 1 to  
5 to be in  
force.

**1.** Sections 1 to 5, inclusive, of chapter 15 of the Consolidated Statutes for Lower Canada, hereinabove recited, are hereby declared to have never been effete or repealed. and are still in force, notwithstanding any of the provisions of the Act of this Legislature 51-52 Victoria, chapter 13.

51-52 V., c. 13,  
s. 4 replaced.

**2.** Section 4 of the Act 51-52 Victoria, chapter 13, is repealed and replaced by the following :

\$62,961.00  
may be paid  
Protestant  
Committee of  
the Council of  
Public In-  
struction.

"4. Out of any public moneys at his disposal, the Lieutenant-Governor may pay the sum of sixty-two thousand, nine hundred and sixty-one dollars (\$62,961.00) to the Protestant Committee of the Council of Public Instruction for Protestant Superior Education in this Province, together with interest thereon, at the rate of four per cent per annum, from the thirtieth day of August, 1888."

R. S. Q., 2206  
repealed.

**3.** Article 2206 of the Revised Statutes of the Province of Quebec is repealed.

51-52 V., c. 13,  
s. 7, repealed.

**4.** Section 7 of the Act 51-52 Victoria, chapter 13, is hereby repealed.

Coming into  
force.

**5.** This act shall come into force on the day of its sanction.

## CAP. XXXII.

An Act to amend article 2320 of the Revised Statutes of the Province of Quebec, respecting the judges of the Superior Court.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Paragraph 2 of article 2320 of the Revised Statutes R. S. Q., art. 2320 amended. of the Province of Quebec is replaced by the following :  
 " 2. The judge, to whom the district of Montmagny is Judge of Montmagny assigned, likewise exercises his ordinary functions in the is also judge of Beauce. district of Beauce, with his residence in the city of Quebec."

2. This act shall come into force on the day of its Coming into force. sanction.

## CAP. XXXIII.

An Act to amend article 2507 of the Revised Statutes of the Province of Quebec, respecting district magistrates.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 2507 of the Revised Statutes of the Province R. S. Q., art. 2507 replaced. of Quebec is replaced by the following :

" 2507. Each such magistrate is allowed an annual Salaries of district magistrates. salary not exceeding the sum of twelve hundred dollars ; however, in places where the increase of business justifies it, he may be allowed a larger salary, but not exceeding the sum of three thousand dollars per annum.

Such salary is fixed by the Lieutenant-Governor in How fixed and paid. Council, and is paid out of the Consolidated Revenue Fund."

2. This act shall come into force on the day of its Coming into force. sanction.

## CAP. XXXIV.

An Act to amend the laws relating to Jurors and to the payment of Crown Witnesses.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS it is advisable to do away with certain inconveniences in the present jury system in criminal matters, respecting the preparation of the lists and the payment of jurors, and to provide in a more equitable manner for the payment of Crown witnesses; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## JURORS.

Extract from valuation roll to be sent to sheriff of district by certain secretary treasurers within three months after passing of this act.

**1.** Within three months after this act comes into force, the clerk or secretary-treasurer of every local municipality, being wholly or in part within thirty miles of the place of holding the court in the district in which such municipality is situate, shall cause to be prepared, and shall deliver without charge, to the sheriff of such district, an extract from the assessment or valuation roll then in force in such municipality, giving the names of all persons named on such roll, who reside within the municipality and are qualified to act respectively as grand jurors and petit jurors.

Article added before R. S. Q., art 2622.

**2.** The following article is added immediately before article 2622 of the Revised Statutes of the Province of Quebec :

Revising Board to examine list of jurors.

**" 2621a.** A board, known as the "Revising Board" is charged with examining and revising the list of jurors and with renewing the same, when required so to do, under article 2622.

Composition of board.

Such board is composed of the judge administering justice in the district, the clerk of the Crown and the sheriff; (\*)

Clerk and sittings.

The deputy sheriff is *ex officio* clerk of the board, the sittings whereof are not public."

R. S. Q., art. 2622 replaced.

**3.** Article 2622 of the said Revised Statutes is replaced by the following :

Duty of clerk when revising board requires him to deliver extract from roll to make list of jurors.

**" 2622.** Whenever the revising board deems it advisable to renew the list of jurors, because the registers containing them become defaced or are filled up, or if

(\*) See section 1 of next chapter as to composition of board.

the corrections have become so numerous as to render the lists illegible, the clerk or the secretary-treasurer of every municipality is obliged, when the said board requires it of him, to deliver to the sheriff, within the month following such demand, an extract from the valuation roll in accordance with form A of this chapter, containing the names of all persons inscribed on such roll domiciled in the municipality being qualified as grand or petit jurors."

4. Article 2623 of the said Revised Statutes is <sup>R. S. Q. art. 2623 amended</sup> amended by replacing in the sixth and seventh lines thereof, the words " (when the extract above mentioned is not asked for by the sheriff) to deliver to the latter gratuitously " by the words " (when the extract above mentioned is not asked for by the revising board) to deliver to the sheriff gratuitously."

5. Paragraph first of section fourth, before article 2633 <sup>Id., sec. 4 § 1 amended.</sup> of the said Revised Statutes, is amended so as to read as follows :

" § 1.—*Lists of jurors made by the Revising Board.*"

6. Article 2633 of the said Revised Statutes is replaced <sup>Id., art. 2633 replaced.</sup> by the following :

" **2633.** Upon receipt of the extract from the valuation <sup>List of jurors to be made by revising board.</sup> rolls, the revising board shall, upon the day fixed by the judge who forms part of the board, prepare two lists,—the first containing the names of the grand jurors, and the second the names of the petit jurors." (\*)

7. Article 2634 of the said Revised Statutes is amended <sup>R. S. Q., art. 2634 amended.</sup> by replacing, in the second line of the first paragraph and in the second line of the second paragraph, the word " sheriff " by the words " revising board."

8. Article 2635 of the said Revised Statutes is amended <sup>Id., art. 2635 amended.</sup> by replacing, in the second line, the word " sheriff " by the words " clerk of the revising board."

9. Article 2638 of the said Revised Statutes is amended <sup>Id., art. 2638 amended.</sup> by replacing in the first line the word " sheriff " by the words " revising board."

10. Article 2640 of the said Revised Statutes is amended <sup>Id., art. 2640 amended.</sup> by replacing, in the third and seventh lines, the word " sheriff " by the words " clerk of the revising board."

(\*) See section 2 of next chapter, substituting the sheriff for the judge.

Id., art. 2642  
replaced.

**11.** Article 2642 of the said Revised Statutes is replaced by the following :

Power of  
revising board  
to strike out  
names in cer-  
tain cases.

**"2642.** If it be established in a satisfactory manner before the revising board, by affidavit in writing, that the name of any person who is disqualified or exempt has been erroneously inserted in the extract or supplement delivered to the sheriff, or that a juror has died or removed his domicile from the municipality or has become disqualified or exempt, the board shall cause such name to be struck by its clerk from the list, and the reason therefor to be noted opposite the name of the juror in one of the columns left for that purpose.

Reasons  
therefor to be  
entered and  
notice thereof  
to be given to  
clerks, &c.

The clerk of the revising board shall initial such change, and the sheriff shall give notice thereof to the clerk or secretary-treasurer of the municipality, who shall make the same changes in the duplicate of the list or supplement in his possession.

R.S.Q., art.  
2643 amended.

**12.** Article 2643 of the said Revised Statutes is amended by striking out the words "or that such list has not been made in the manner by this chapter directed," in the sixth and seventh lines thereof.

Id., art. 2644  
amended.

**13.** Article 2644 of the said Revised Statutes is amended by replacing the word "sheriff", in the first and seventh lines, by the words "revising board."

Id., art. 2645  
amended.

**14.** Article 2645 of the said Revised Statutes is amended by striking out all the words after the words "by law."

Id., art. 2646  
and 2647 re-  
pealed.

**15.** Articles 2646 and 2647 of the said Revised Statutes are repealed.

Id., art. 2672  
replaced.

**16.** Article 2672 of the said Revised Statutes is replaced by the following :

Allowance to  
jurors.

**"2672.** Every juror summoned to serve as a grand or petit juror, whose domicile is outside of the limits of the municipality where the court is held, shall receive an allowance of one dollar and fifty cents for each day he is necessarily absent from his place of residence to serve before the court, and one dollar when his domicile is within the limits of such municipality.

By whom and  
on whose cer-  
tificate paid.

The allowance is paid by the sheriff on the certificate of the clerk of the peace or the clerk of the Crown, as the case may be.

Gaspé and  
Bonaventure.

The counties of Gaspé and Bonaventure shall each be considered as one district for the purposes of this article."

## CROWN WITNESSES.

**17.** Article 2613 of the Revised Statutes of the Province of Quebec is replaced by the following : R.S.Q., art. 2613 replaced.

**" 2613.** Every Crown witness is entitled :

1. If his domicile be without the limits of the municipality in which the court is held, to an allowance of one dollar and fifty cents for each day that he is necessarily absent to appear before the court, and Payments to Crown witnesses. If residing outside municipality where court is held.

2. To an allowance of one dollar a day, if his domicile be within the limits of such municipality. If within.

Such allowance is paid by the sheriff on the certificate of the clerk of the peace or the clerk of the Crown, as the case may be. By whom and on whose certificate paid.

**18.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XXXV.

An Act to amend an act of this session intituled " An Act to amend the law relating to jurors and to the payment of Crown witnesses."

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 2621a of the Revised Statutes of the Province of Quebec, as added by section 2 of the act mentioned in the title of this act, is amended by replacing the second paragraph thereof by the following : R. S. Q., art. 2621a and 53 V., c. 34, s. 2, amended.

" Such board is composed of the sheriff, the clerk of the Crown and the registrar." Composition of board.

" The word " registrar " for such purposes means the registrar for the registration division in which is situated the *chef lieu* of the judicial district, except in the district of Montreal, where it means the registrar of the registration division of Montreal West." " Registrar " defined.

**2.** Article 2633 of the said Revised Statutes, as replaced by section 6 of the said act, is amended by replacing the word " judge, " in the third line, by the word " sheriff. " R. S. Q., art. 2633 and 53 V., c. 34, s. 6, amended.

**3.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XXXVI.

An Act to amend the law respecting bazaars and lotteries in the Province.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., art.  
2920 amend-  
ed.

1. Article 2920 of the Revised Statutes of the Province of Quebec is amended :

1. By adding after the word " whatever," in the fifth line, the words " or of any establishment of public interest or for instruction," and

2. By adding after the word " amount", in the eighth line, the words " provided always that if they are of a permanent character, it shall be necessary to obtain the previous permission of the Lieutenant-Governor in Council."

Art. added  
after R. S.  
Q., art. 2921.

2. The following article is added after article 2921 of the said Revised Statutes :

Reports may  
be required  
by Lieutenant-  
Governor.

" 2921a. The Lieutenant-Governor may, whenever he deems it expedient, require from the organizers, promoters or administrators of every bazaar or lottery reports as to their operations."

## CAP. XXXVII.

An Act respecting the protection of colonization and other bridges.

[Assented to 2nd April, 1890.]

Preamble

WHEREAS a great many bridges are carried away or damaged in consequence of the negligence of those who bring merchantable timber down the floatable rivers of this Province ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sub-section  
added after  
R. S. Q., T. 7,  
c. 1, s. 12 § 3.

1. The following sub-section is added after sub-section 3 of section 12 of chapter first of title seven of the Revised Statutes of the Province of Quebec.

“ § 4.—*Protection of bridges.*

“ **2972a.** Every owner of logs or other merchantable timber, who drives or has the same driven down the floatable rivers of this Province, shall station a sufficient member of men at every bridge, built at least three feet above high water mark, under which the said timber must pass, or shall take other precautions necessary to prevent any damage which might be caused. Men to be stationed at bridges to prevent accidents and damage.

In default of such precautions being taken, the owner of the timber, the driving or floating down of which has damaged or carried away such bridge, is (in addition to whatever recourse there may be against him) liable to a penalty of from ten to fifty dollars and costs, or an imprisonment of one month in default of payment thereof. Penalty in case of default.

“ **2972b.** Every suit for infringement of the preceding article may be instituted, by the owner of the bridge so carried away or damaged, within three months from the date of such infringement and not afterwards. Suits by whom and when to be brought.

Such suit may be brought before the Circuit Court of the county or the Magistrates' Court of the district or county in which the offense was committed. Before what court.

**2.** This act shall come into force on the day of its sanction. Coming into force.

C A P. XXXVIII.

An Act to amend the law respecting the protection of employees in factories.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Paragraph 4 of article 3021 of the Revised Statutes of the Province of Quebec is amended by adding after the second clause thereof the following : R. S. Q., art. 3021 § 4 amended :

“ The proprietors of every factory shall, after having been notified by the inspector, have the drains of such factory connected with the public sewage system of the locality. Drains to be connected with public sewage system if required.

**2.** Paragraph 2 of article 3024 of the said Revised Statutes is amended so as to read as follows : R. S. Q., art. 3024, § 2, amended :

“ 2. No machinery other than steam-engines shall be cleaned while in motion, nor shall any driving shafts, Machinery &c., not to be cleaned &c.,

when in motion.

Belting to be removed only with certain appliances.

gearing or pulleys be oiled or greased while in motion, if the inspector so direct by written notice.

No employee shall be allowed to take off or replace the belts on any pulley of a machine in motion unless he uses special catches which the inspector may require for such purpose."

R. S. Q., art. 3024 amended :

Low water alarm to be placed on boilers.

How to be attached.

Signal to be used to notify employees that machinery is to be placed in motion.

3. The following paragraphs are added after the first clause of paragraph 5 of the said article 3024 of the said Revised Statutes :

" 6. Steam boilers shall be provided with a low water alarm placed on top when they are horizontal or in the most convenient position when they are upright.

In all cases, such alarm must be attached to the boiler independently of the glass guage and try cocks.

" 7. The inspector may, in certain establishments, require the use of a whistle or signal to notify the employees that the machinery is to be placed in motion, and also that an alarm apparatus be placed in each compartment where machines are in motion so as to enable the engineer to stop the machinery as soon as an accident happens."

R. S. Q., art. 3025 § 3 amended :  
Dimensions and form of fire-escapes.

4. Paragraph 3 of article 3025 is amended by adding the following after the first clause thereof :

" The dimensions and form of the fire-escapes aforesaid may be prescribed by the inspector, and the responsibility of their construction rests with the proprietor of the establishment."

## C A P. XXXIX.

An Act to amend article 3026 of the Revised Statutes of the Province of Quebec, respecting persons employed in factories.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., 3026, amended :

Children under certain age not to be employed in certain establishments.

1. Article 3026 of the Revised Statutes of the Province of Quebec is amended by adding thereto the following paragraph :

" 3. No male child aged less than fourteen years, and no girl aged less than fifteen years, can be employed in any factory mentioned in a list showing the establishments that are considered unhealthy by the inspector, which list shall have been approved by the Lieutenant-Governor in Council."

## CAP. XL.

An Act for the protection of persons employed by contractors engaged in the construction of railways under acts passed by the Legislature of Quebec.

[Assented to 2nd April, 1890.]

**WHEREAS** grievous frauds and evasions of contracts with laborers and workmen by contractors and sub-contractors, engaged in the construction of railways, are not infrequent, and it is expedient to provide better safeguards for the protection of laborers employed as aforesaid; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

1. The following section is added to chapter second of title sixth of the Revised Statutes of the Province of Quebec:

Section added to R. S. Q., title 6, chapter 2.

"SECTION V.

"PROTECTION OF EMPLOYEES IN THE CONSTRUCTION OF RAILWAYS UNDER CONTROL OF THE PROVINCE.

"**3053a.** Any railway company, incorporated under the authority of any act of the Legislature of Quebec, may stipulate and provide, in any contract between the company and any person or persons contracting with the company for the construction of the whole, or any part, or section of the railway of the company, or for the reconstruction or repair thereof, in whole or in part, that the laborers and workmen, employed in such construction or reconstruction or repair shall be paid daily, weekly, or monthly, according to the terms of hire or agreement made with them.

Certain stipulation as to payment of workmen may be made by railway companies in contracts for construction or repair of road.

"**3053b.** Any such railway company, contracting with any person or persons, as aforesaid, for the construction or reconstruction, or repair of their railway or any part thereof, may, in default of any stipulation or provision for the payment of laborers or workmen in such contract, withhold payment to their contractors, until all moneys then due and owing to laborers and workmen have been paid.

If no stipulation made, company may retain moneys until workmen are paid.

The sums so withheld, however, shall not be higher than the sums due and owing to the laborers and workmen and of which notice shall have been given to the company.

Proviso, as to amount to be retained.

"**3053c.** Every such railway company, contracting as aforesaid, shall ascertain, from time to time, by agent or otherwise, that all arrears due to laborers and workmen

Railway company to ascertain that workmen have been

paid before  
finally settling  
with  
contractors.

have been paid by their contractors, before making final payment to or settlement with them.

If railway  
company pays  
contractors  
after notice  
that workmen  
are unpaid, it  
is bound to  
pay such  
workmen.

**"3053d.** If any such railway company, whose contractors or sub-contractors are in arrears with their laborers or workmen, do or shall, after notice thereof, by letter addressed to the secretary or president, at the principal office of the company, pay over moneys then due or payable to their contractors without providing for the payment of the arrears, the railway company shall thereupon become and be liable to pay the same as a debt due from the company to the said laborers and workmen.

If amount  
claimed by  
workmen as  
due is contest-  
ed by contrac-  
tor, money to  
be held by  
company until  
court decides,  
and then to  
pay according  
to judgment

**"3053e.** If the amount claimed to be due by the laborers and workmen from the contractors or sub-contractors is disputed or denied by them and notice thereof given to the company, it shall withhold payment until the question or issue is decided by a competent court; and the company shall thereupon pay over to the laborers and workmen the amount declared to be payable to them by the judgment

## CAP. XLI.

An Act to amend the law respecting the insane.

[Assented to 2nd April, 1890.]

Preamble.

**WHEREAS** the collection of amounts levied upon municipalities for the maintenance of the insane in asylums presents difficulties which render it almost impossible, and it is expedient to establish a more just and rational system, which, without disturbing existing contracts, will effect a desirable economy;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S. Q., art.  
3195 amend-  
ed.

**1.** Article 3195 of the Revised Statutes of the Province of Quebec is amended by striking out in the last line of the first clause thereof the words "and of municipalities."

Id., art. 3218.  
amended.

**2.** Article 3218 of the said Revised Statutes is amended by striking out in the tenth and eleventh lines thereof the words "or of the municipalities bound to support him."

Id., art. 3222  
to 3228.  
repealed.

**3.** Articles 3222, 3223, 3224, 3225, 3226, 3227 and 3228 of the said Revised Statutes are repealed.

4. It shall be lawful for the Lieutenant-Governor in Council to enter into an agreement with any religious community of men or women or any other institutions or with any persons for the keeping, maintenance, support and treatment of idiots, provided that the cost for each patient does not exceed fifty dollars per annum, and provided also that the provisions of this section do not affect the rights acquired under existing contracts.

Contract may be made for keeping &c., of idiots.

Proviso.

Saving clause.

5. This act shall come into force on the day of its sanction.

Coming into force.

## CAP. XLII.

An Act to amend article 3414 of the Revised Statutes of the Province of Quebec.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 3414 of the Revised Statutes of the Province of Quebec is amended by adding thereto the following words:

R. S. Q., art. 3414 amended.

"Nevertheless, at the special request of the trustees, the terms may be extended to twelve years."

Terms may be extended to twelve years.

2. This act shall come into force on the day of its sanction.

Coming into force.

## CAP. XLIII.

An Act to establish a uniform delay throughout the Province of Quebec, within which accounts are to be rendered to *fabriques* by church-wardens.

[Assented to 2nd April, 1890.]

WHEREAS it is expedient to establish a uniform delay within which accounts shall be rendered to *fabriques* in this Province by church-wardens;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The following subsection is added to section fourth of chapter first of title ninth of the Revised Statutes of the Province of Quebec :

Subsection added to R. S. Q., title 9, chap. 1, s. 4.

§ 3.—*Church-wardens and their accounting.*

Accounting  
by church-  
wardens.

“**3438a.** On or before the first day of February in each year, every church-warden in this Province who has retired from office shall render to the *fabrique* of his parish a faithful account of his administration of the funds thereof and of the receipts and expenses for the year ending on the thirty-first day of the preceding month of December, showing, separately, the receipts and expenditure, and the assets and liabilities, producing at the same time the vouchers for all payments made.

Suit to compel  
rendering of  
account.

If such account is not rendered on or before the said day, any two parishioners, being householders, may by civil suit compel the rendering of the said account and the production of such vouchers, unless the reasons for the delay in rendering such account have been approved by the Ordinary.”

## CAP. XLIV.

An Act to amend articles 3478 and 5253 of the Revised Statutes of the Province of Quebec (respecting disinterments and cemeteries).

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S. Q., art.  
3478 replaced.

**1.** Article 3478 of the Revised Statutes of the Province of Quebec is replaced by the following:

Order for  
leave to dis-  
inter given by  
a judge of the  
Superior  
Court.

“**3478.** On a petition being presented to any judge of the Superior Court, either in term or in vacation, by any person praying for leave to disinter a body or bodies buried in any church, chapel or cemetery, with a view to the erection, repair or sale of a church, chapel or cemetery, or with a view to the re-interment of the said bodies in another part of the same church, chapel or cemetery, or in another cemetery, or with a view to the reconstruction or repair of the tomb or coffin in which a body has already been buried, and indicating, in the case of a proposed removal of any body or bodies, the part of the same church, chapel or cemetery, to which it is proposed to effect the removal, and on proof being made on oath to his satisfaction of the truth of the allegations contained in such petition, such judge may order or permit that the body or bodies shall be disinterred as prayed for.

Such order to  
be a sufficient  
authority for  
such disinter-  
ment.

Such order, sealed with the seal of the Superior Court, and signed by the prothonotary, being duly served upon or presented to the person owning or having the legal

charge or custody of such church, chapel or cemetery, shall be a sufficient authority for the disinterment prayed for, and shall hold harmless every person concerned or taking part in any such disinterment.

2. Article 5253 of the said Revised Statutes is hereby <sup>R.S.Q.art.5253</sup> amended by replacing the words "twenty-five" by <sup>amended.</sup> the words "thirty-five."

## CAP. XLV.

An Act to provide for the recognition of the degrees of Bachelor of Arts in admissions to the study of the legal, notarial and medical professions.

[Assented to 2nd April, 1890.]

**W**HEREAS it is desirable in this Province to recog- <sup>Preamble.</sup>  
nize certain university degrees as being sufficient  
to entitle the holders thereof to be admitted to the study  
of the above-named professions ; Therefore, Her Majesty,  
by and with the advice and consent of the Legislature of  
Quebec, enacts as follows:

1. The following chapter is added before chapter first <sup>Chapter added</sup>  
of title tenth of the Revised Statutes of the Province of <sup>before R. S.</sup>  
Quebec. <sup>Q., title 10,</sup>  
<sup>chapter first.</sup>

### " CHAPTER (A) FIRST.

#### " ADMISSION TO THE STUDY OF CERTAIN PROFESSIONS.

" **3503a.** No candidate for admission to the study of the <sup>Certain per-</sup>  
legal, notarial or medical profession, who is the holder of <sup>sons exempt</sup>  
a degree of Bachelor of Arts, Bachelor of Sciences or <sup>from passing</sup>  
Bachelor of Letters, conferred upon him by any Cana- <sup>examinations</sup>  
dian or British University, shall be obliged to pass <sup>for admission</sup>  
the examinations required by the act incorporating the <sup>to study.</sup>  
members of the said professions.

On satisfactory proof being made that the candidate is <sup>Certificate</sup>  
the person named in such degree, he shall be entitled, on <sup>granted upon</sup>  
payment of the ordinary fees, to receive a certificate <sup>payment of</sup>  
entitling him to study that one of the said professions to <sup>fees.</sup>  
which he seeks admission."

2. Chapters first, third and fourth of title tenth of the <sup>R. S. Q., title</sup>  
said Revised Statutes, incorporating the members of the <sup>10, chapters 1,</sup>  
said professions, are hereby amended in the sense of this <sup>3 and 4 amend-</sup>  
act. <sup>ed.</sup>

## CAP. XLVI.

## An Act to amend the "Quebec Pharmacy Act."

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., art. 4022 replaced. **1.** Article 4022 of the Revised Statutes of the Province of Quebec is replaced by the following articles :

**Powers of association :**  
To frame &c., by-laws for management &c., of association &c.  
" **4022.** The council of the association has power :  
1. To frame such by-laws for the said association as they shall deem proper and necessary for the purposes contemplated by this law, to alter and amend such by-laws from time to time, and to repeal the same in whole or in part, and substitute others therefor ;

**To elect president and other officers.**  
2. To elect, at their first meeting subsequent to the annual elections, from among their members, a president, two vice-presidents, a treasurer and two auditors ;

**To elect members to fill vacancies in council.**  
3. To elect persons to replace members of the council who die, resign or are removed, and also persons to replace the auditors, when vacancies occur for the same reasons ;

**Proviso.**  
Such persons must be chosen from among the members of the corporation ;

**To elect honorary, &c., members.**  
4. To elect, as honorary and corresponding members of the association, such persons as may be eminent for scientific attainments ;

**Proviso.**  
Such honorary members shall not, as such, be entitled to vote at elections or to rank as licentiates of pharmacy ;

**To appoint secretary-registrar.**  
5. To appoint a secretary-registrar, who shall hold office until removed for reasons considered valid by the majority of the council.

**Board of trustees.**  
" **4022a.** The council of the association shall appoint a permanent board of trustees, not less than six and not exceeding ten in number, who shall control and manage the real and personal property of the corporation, subject to the by-laws thereof ;

**Duties.**  
Such trustees shall give to the council an annual statement by them ;

**Annual statement by them.**  
They shall not buy, sell or mortgage any property of the corporation without the concurrence of the council, who shall call a general meeting of the members of the corporation.

**Consent of council required to buy &c., real estate.**  
A two-thirds' vote of the members present shall be required before any property can be purchased, mortgaged, exchanged or sold. "

**Majority required for such consent.**

2. Article 4024 of the said Revised Statutes is replaced by the following : R. S. Q., art. 4024 replaced.

"4024. In pharmacy, there are three classes of persons : Classes of persons in pharmacy.

- I. Certified apprentices,
- II. Certified clerks, and
- III. Licentiates of pharmacy.

2. To be admitted as a "certified apprentice," the candidate must produce satisfactory evidence of a good moral character, pass a preliminary examination in the English, French and Latin languages, in arithmetic, geography and history, and pay the fees prescribed by article 4029. Admission of certified apprentices.

Every student of medicine duly registered as such is considered as a "certified apprentice." Medical students.

3. To be admitted as a "certified clerk", the candidate must produce evidence of three years' registration as a "certified apprentice", prove that he has served at least three years with a physician or licentiate of pharmacy duly enregistered, pass an examination in the translation and dispensing of prescriptions, in pharmacy, chemistry, toxicology, posology and *materia medica*, and pay the fees prescribed in article 4029. Admission of certified clerk.

4. To be admitted as a "licentiate of pharmacy," the candidate must be a "certified clerk," prove that he has followed two courses in chemistry, two courses in *materia medica*, and a course in botany, that he has served during four years under a licentiate of pharmacy duly enregistered, and pay the fees prescribed in article 4029. Admission of licentiates of pharmacy.

5. The "major examination," which the candidate who presents himself to be a licentiate of pharmacy must pass, includes the same subjects as the "minor examination"; but a more extended knowledge of toxicology, *materia medica*, and pharmaceutical chemistry, as well as a knowledge of botany, are required. Major examination in what it consists.

3. Article 4026 of the said Revised Statutes is replaced by the following : R. S. Q., art. 4026 replaced.

"4026. The board of examiners shall be appointed by the council at its first meeting after the annual meeting, and shall be composed of persons it deems competent Appointment of board of examiners.

These persons shall examine the candidates and grant such certificates or diplomas as they may think proper to those whom they deem qualified to be "licentiates of pharmacy," "certified clerks", or "certified apprentices." Duties.

The major and minor examinations of candidates shall be held in Montreal in the spring and in Quebec in the fall of each year. Where examinations shall be held.

R. S. Q., art.  
4028 § 3  
replaced.  
Annual regis-  
ters to be  
made.

**4.** Paragraph 3 of article 4028 of the said Revised Statutes is replaced by the following :

" 3. To make new " registers," for each year, and omit therefrom the names of persons deceased, or transferred from one " register" to another, or of persons not having paid their fees, provided their names are submitted to the council, and provided the secretary-registrar has received instructions from the council to erase said names.

Absence of  
secretary-  
registrar  
provided for.

In the absence of the secretary-registrar from any meeting, it shall be competent for the presiding officer to appoint some person to act as secretary for the time being."

R. S. Q., art.  
4029 § 3  
replaced.  
Fees of certi-  
fied appren-  
tices.  
When fees are  
due.

**5.** Paragraph 3 of article 4029 of the said Revised Statutes is replaced by the following :

" 3. Every " certified apprentice," an annual fee not exceeding two dollars.

Such fees shall be due on the first day of May in every year.

Proceedings if  
fees not paid.

Any licentiate, certified clerk, or certified apprentice, not paying such fee before the first day of June in each and every year, may be removed from the registers, and when so removed from the register shall lose all the privileges hereby conferred upon him ; he may, however, be restored to all his former privileges, on payment of a fine of five dollars for a licentiate, two dollars for a certified clerk, and one dollar for a certified apprentice, provided such fine, together with the annual fee, be paid on or before the first day of October following."

Proviso.

Article added  
after R. S. Q.,  
art. 4030.

**6.** The following article is added after article 4030 of the said Revised Statutes :

Notice to be  
given by those  
who having  
retired wish  
to resume  
business.

" **4030a.** Any person registered under this law, who on retiring from business shall have given notice to the registrar in writing of the same, may, at any time thereafter, be re-entered on the register as aforesaid, upon giving notice in writing to the said registrar of his intention so to re-register and upon the payment to the said registrar of the then current annual fee."

Fees required.

R. S. Q., art.  
4032 amend-  
ed.  
Provision in  
case of insol-  
vency.

**7.** Article 4032 of the said Revised Statutes is amended by adding the following paragraph :

" 3. In the case of an insolvent, the party to whom an assignment is made, should the business be kept open, must place in charge a registered physician or licentiate of pharmacy, until such estate is closed."

R. S. Q., art.  
4033 replaced.

**8.** Article 4033 of the said Revised Statutes is replaced by the following :

" **4033.** The several articles, named or described in schedule A of this law, shall be poisons within the meaning thereof. Poisons defined in schedule A.

The council may, from time to time, by by-law declare that any article, named in such by-law, shall be deemed a poison within the meaning of this law, and it shall then be added to and become part of schedule A. Other articles may be declared to be poisons.

Such addition shall be advertized in the Quebec Official Gazette, after which it shall become law; and a notice of such declaration shall be sent by registered letter to every licentiate of pharmacy and duly registered physician." Advertisement of such additional articles.

**9.** Article 4034 of the said Revised Statutes is replaced by the following : R. S. Q., art. 4034 replaced.

" **4034.** It shall be unlawful to keep or sell any of the poisons named in the said schedule A, unless the box, bottle, vessel, wrapper or cover, in which such poison is contained, be distinctly labelled with the name of the article and the word "poison" and with the name and address of the seller of the poison. Condition under which such articles may be sold.

It shall be unlawful to sell any such poison to any person unknown to the seller, unless introduced by some person known to the seller. Sale to party unknown to seller forbidden.

On every sale of such poison, the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose, stating in the form set forth in schedule B, the date of the sale, the name and address of the purchaser, the name and the quantity of the poison sold, and the purpose for which it is stated by the purchaser to be required. Entry of sales of such articles to be made.

The signature of the purchaser, and of the person (if any) who introduced the purchaser, shall be affixed to such entry. Signatures to such entry.

The book specified in the present article for the purposes aforesaid shall be called the "Poison Sales' Register," and shall be open to inspection by the registrar at any time. Name of book in which entries are to be made, &c.

Nothing contained in the present article shall apply to the compounding or dispensing of physicians' or veterinary surgeons' prescriptions containing any of the poisons mentioned in the said schedule A." Article not to apply to certain prescriptions.

**10.** The following articles are added after article 4085 of the said Revised Statutes : Articles added after R. S. Q., art. 4035.

" **4035a.** Physicians, duly enregistered as members of the College of Physicians and Surgeons of the Province of Quebec, shall have the right to open a drug store provided they pay the fee required by article 4029, without any prejudice to their privileges as physicians. Physicians may become druggists on payment of fees.

Physicians in  
Montreal and  
Quebec not to  
be druggists.  
Proviso.

**"4035b.** Notwithstanding the provisions of the preceding article, no physician in the cities of Montreal and Quebec can become a druggist unless he ceases to practise as a physician and surgeon ; but the present clause shall not apply to those physicians who are at present keeping druggist's shops.

Drug stores to  
be carried on  
under name of  
proprietor  
thereof.

**"4035c.** Every drug store shall be carried on under the name of the *bonâ fide* proprietor thereof, who must be a licentiate of pharmacy or a duly registered physician and surgeon.

Penalty on  
person not  
being pro-  
prietor allow-  
ing his name  
to be used as  
such, &c.

Any physician or licentiate of pharmacy, not being the *bonâ fide* proprietor of a drug store, allowing his name to be used as being such proprietor, shall incur, for each offence, the penalty hereinafter provided ; and any person being the proprietor of a drug store, using or holding out to the public, contrary to the provisions of this law, the name of a licentiate of pharmacy, or of a duly registered physician and surgeon, as being the proprietor thereof, shall incur, for each offence, the penalty hereinafter provided, except in cases provided for by article 4032."

R. S. Q., art.  
4037 replaced.

**11.** Article 4037 of the said Revised Statutes is replaced by the following :

Prescriptions  
by whom to be  
dispensed,  
etc.

**"4037.** It shall be unlawful for any apprentice, or for any licentiate of pharmacy to permit any apprentice, to engage in the dispensing of prescriptions, or in the sale of the poisons enumerated in schedule A, unless such certified apprentice be under the immediate supervision of a physician, or licentiate of pharmacy, or certified clerk, during the time he is engaged in the dispensing of prescriptions, or in the sale of the aforesaid poisons."

R. S. Q., art.  
4039 replaced.

**12.** Article 4039 of the said Revised Statutes is replaced by the following :

Sale of certain  
articles not  
affected.

**"4039.** Nothing herein shall prevent the sale, by persons not registered in pursuance of this law, of Paris Green or London Purple, so long as said articles are sold in well secured packages, distinctly labelled with the name of the article, the name and address of the seller and marked "Poison."

Art. added  
after R. S. Q.,  
4039.

**13.** The following article is added after the said article 4039 :

Proprietor to  
be deemed to  
be seller for  
purposes of  
the act.

**"4039a.** For the purpose of this law, the proprietor, on whose behalf any sale is made by any clerk, apprentice or other employee, shall be deemed the seller,

without prejudice however to the liability of the three Proviso.  
classes of persons in pharmacy under article 4046."

**14.** Articles 4046 and 4047 of the said Revised Statutes R. S. Q., art. 4046 and 4047 replaced.  
are replaced by the following article :

" **4046.** Any person, offending against the provisions Penalty for infringing certain arti-  
of articles 4032, 4035, 4035a, 4035b, 4035c, 4036, 4037, 4038 cles.  
and 4039, shall incur a penalty of twenty-five dollars for the first offence, and of fifty dollars for the second and each subsequent offence, together with costs."

**15.** Article 4050 of the said Revised Statutes is amended R. S. Q., art. 4050 amend-  
by replacing the word " five " in the third line of said ed.  
article by the word " ten."

**16.** Article 4052 of the said Revised Statutes is amended R. S. Q., art. 4052 amend-  
by inserting in the fourth line after the words " wholesale ed.  
dealers in drugs " the words " or with dealers in photo-  
graphic supplies."

**17.** Schedules A and B after article 4052 of the said R. S. Q., sche-  
Revised Statutes are replaced by the following schedule A, dules A and B, after art. 4052,  
and schedule C shall be known as schedule B. replaced and schedule C to be schedule B.

#### SCHEDULE A.

##### LIST OF POISONS.

Acid Hydrocyanic (Prussic ;)  
Aconite and its preparations ;  
Antimony, Tartrate of,—  
Arsenic and all compounds thereof ;  
Belladonna and its preparations ;  
Calabar Beans ;  
Cantharides, and the Tincture and Acetum thereof  
Carbolic Acid (pure and crude ;)  
Chloral Hydrate ;  
Chloroform and Ether ;  
Chlorodyne ;  
Cocaine and its preparations ;  
Conium and its preparations ;  
Corrosive sublimate, and compounds thereof.  
Croton Chloral Hydrate ;  
Croton oil ;  
Cyanide of Potassium and all metallic cyanides ;  
Digitalis and its preparations ;  
Ergot and its preparations ;  
Eleterium ;  
Essential Oil of Almonds ;  
Euphorbium ;

Hyosciamus and its preparations ;  
 Indian Hemp ; and its preparations.  
 Mercurial salts and their compounds ;  
 Morphia and its salts and solutions ;  
 Nux Vomica ;  
 Opium and its preparations including laudanum, but  
 not paregoric ;  
 Savin and its oil ;  
 St. Ignatius Bean ;  
 Strychnine and all poisonous alkaloids and their salts ;  
 Veratria ;  
 Verdigris.

## CAP. XLVII.

An Act respecting the width of roads and streets in cities,  
 towns, and villages.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS, in the interest of health and as a protection  
 against fire, it is advisable that provisions be  
 enacted with respect to the width of roads and streets in  
 cities, towns, and villages in the Province ;

Therefore, Her Majesty, by and with the advice and  
 consent of the Legislature of Quebec, enacts as follows :

Section

added to R.  
 S. Q., title 11,  
 chap. 2.

**1.** The following section is added to chapter second of  
 title eleventh of the Revised Statutes of the Province of  
 Quebec.

## " SECTION 12.

" OF THE WIDTH OF ROADS AND STREETS IN CITIES, TOWNS, AND  
 VILLAGES.

Width of  
 streets.

" **4616a.** Every road or street shall, whenever a muni-  
 cipal council, corporation, association or individual  
 subdivides his land into building lots, have a width  
 of at least sixty-six feet, English measure."

Art. added  
 after M. C.,  
 770 art.

**2.** The following article is added after article 770 of the  
 Municipal Code :

Width of  
 streets.

" **770a.** In accordance with article 4616a of the  
 Revised Statutes of the Province of Quebec, every road  
 or street in a city, town, or village shall have a width  
 of at least sixty-six feet, English measure."

R. S. Q., art.  
 4458 amended.

**3.** The first paragraph of article 4458 of the said  
 Revised Statutes is replaced by the following :

" Subject to article 4616a, to order the opening of new streets, and the enlargement or alteration of existing streets."

4. This act shall have effect only for the future, and shall apply to cities, towns and villages incorporated constituted either under special acts, or under municipal acts or the municipal code, or under the town corporations general clauses act or otherwise; but it shall not apply in cases where plans or divisions are actually made fixing the width of the streets in cities, towns or villages.

5. This act shall come into force on the day of its sanction.

### CAP. XLVIII.

An Act to amend the law respecting the corporation of bailiffs of the district of Montreal, and the security to be furnished by them.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The following sub-section and article are added after article 5748 of the Revised Statutes of the Province of Quebec:

Subsection added to R. 8. Q., title xii, part 1, chap. 2, s. 7.

" § 3a.—*Special provisions respecting the security to be given by the bailiffs of the district of Montreal.*

" 5748a. The corporation of the bailiffs of the district of Montreal is itself bound to be security for the faithful performance of the duties and obligations of each of its members to the amount of four hundred dollars.

For that purpose, the corporation is bound to deposit with the Provincial Treasurer, security to the amount of ten thousand dollars."

2. To secure the deposit of the amount mentioned in article 5748a of the Revised Statutes of the Province of Quebec, the corporation of bailiffs of the district of Montreal shall deliver to the Provincial Treasurer a policy of the London Guarantee Company, or of any other company approved by the Lieutenant-Governor in Council, for an amount of twenty thousand dollars.

Reduction of  
amount upon  
certain pay-  
ments.

The said policy shall be reduced by ten thousand dollars when the corporation shall have paid in an amount of five thousand dollars to the said Provincial Treasurer, and shall lapse when the last five thousand dollars shall have been so paid.

How each  
payment is  
to be made.

The said amount of ten thousand dollars shall be paid to the Provincial Treasurer by payments of five hundred dollars on the first of December in each year, commencing on the first December next (1890.)

Section added  
to 50 V., c. 43.

3. The following section is added after section 11 of the act 50 Victoria, chapter 43:

Levy to be  
made by cor-  
poration upon  
each member.

"11a. In order to comply with article 5748a of the Revised Statutes of the Province of Quebec respecting the security to be furnished by the bailiffs of the district of Montreal, the corporation is authorized to levy upon each of them, as premium for the guarantee it gives them, an amount not exceeding one and a half, nor less than one half per cent, upon the sum of four hundred dollars required by law as the security for each such bailiff.

How amount  
of such pre-  
mium shall be  
determined.

2 The amount of such premium shall be determined at the annual general meeting of the corporation held in the month of August and shall be payable on the first of November, counting from the first of November, next (1890).

Effect of de-  
fault to pay  
such pre-  
mium.

3. The default to pay such premium, within the first fifteen days of the month of November, entails the expulsion from the corporation of the bailiff in arrear, whose name shall be struck from the table of bailiffs by the prethonotary of the district of Montreal upon a certificate signed by the president and secretary of the corporation.

Refusal of  
guarantee to  
bailiffs in cer-  
tain cases.

4. The corporation may refuse to give its guarantee to a bailiff when it considers it has a reason for doing so, but in such case it shall give such bailiff its reasons in writing.

Appeal  
allowed.

With such writing, the bailiff may appeal from the decision of the corporation to the Superior Court of the district of Montreal or to one of the judges thereof.

Proceedings  
thereon, &c.

The petition in appeal is summary; but, if the decision of the court or judge be not given before the end of the period for which the corporation gives its guarantee, the bailiff remains suspended from the performance of his duties until such decision is rendered."

Coming into  
force.

4. This act shall come into force on the day of its sanction.

## CAP. XLIX.

An Act to render valid certain registers of civil status.

[Assented to 2nd April, 1890.]

**W**HEREAS, the registers of civil status of the parishes Preamble.  
of Ste. Clothilde de Horton, Ste. Aimé de Kingsey  
Falls and Ste. Anne du Sault, in the district of Artha-  
baska, were initialed by error, for the year 1889, by the  
prothonotary of the district of Three Rivers;

Whereas the minister of the Church of England, at  
Drummondville, in the county of Drummond, kept, for the  
year 1888, a single register of civil status and forwarded  
a copy of such register in place of a duplicate of such  
register as required by law;

Whereas, in the interest of a large number of families,  
it is necessary that such registers be rendered valid;  
Therefore, Her Majesty, by and with the advice and con-  
sent of the Legislature of Quebec, enacts as follows:

**1.** The registers of civil status of the parishes of Ste. Certain regis-  
Clothilde de Horton, Ste. Aimé de Kingsey Falls and Ste. ters declared  
Anne du Sault, in the district of Arthabaska, for the year valid.  
1889, as initialed by the prothonotary of the district of  
Three Rivers, are hereby declared to be valid.

**2.** A correct copy of the register of civil status for 1888, Certain copy  
kept by the minister of the English Church at Drummond- of other reg-  
ville, in the county of Drummond, when certified by the ister de-  
said minister and numbered and initialed by the com- clared valid.  
petent civil authorities, according to law, shall be con-  
sidered valid for all lawful purposes.

Any extract from such copy, so certified and initialed, Copies &c.,  
made and delivered by such competent authorities, shall therefrom.  
make proof as if taken from a duplicate register, unless  
impugned by affidavit showing that the original is  
different.

**2.** This act shall come into force on the day of its sanc- Coming into  
tion. force.

## C A P. L.

An Act to legalize the proceedings respecting certain tutorships and curatorships taken by the clerk of the circuit court of the county of Chicoutimi.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS the clerk of the circuit court of the county of Chicoutimi has homologated tutorships and curatorships, considering that he was authorized in so doing by the Code of Civil Procedure, and more particularly by article 1059;

Whereas it is expedient that the proceedings so taken be ratified and legalized; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain homologations of acts of tutorships declared valid.

**1.** The homologation of acts of tutorship and of curatorship, up to this date, by the clerk of the circuit court of the county of Chicoutimi, is declared as valid as if by or before the prothonotary according to law.

Such acts &c., to be deposited in prothonotary's office, &c.

**2.** The acts and documents so homologated and made as aforesaid shall, within six weeks after the coming into force of this act, be remitted to the prothonotary of the Superior Court of the district in which is established the said circuit court, to be paraphed by the said prothonotary under this act, with mention of the date of their receipt, and shall remain of record in his office.

Certain pending cases not affected.

**3.** Nothing however in this act shall affect cases now pending before any court, in which the validity of such proceedings is contested.

## C A P. L I.

An Act to correct and modify the official plans and books of reference of certain parts of the county of Beauce.

[Assented to 24th February, 1890.]

Preamble.

**W**HEREAS certain errors have occurred in the preparation of the official plans and books of reference of the parishes of Ste. Marie, St. Joseph, St. George, St. Frédéric, St. Elzéar, St. Séverin, St. Victor de Tring, St. Ephrem de Tring, and St. François, and of the townships of Aylmer, Broughton, Lambton, Forsyth and Shenley, situated in the registration division of the county of

Beauce ; and whereas, between the closing of the cadastre of these places and the date of its coming into force, numerous changes were made in the subdivision of properties to which it is necessary to assign new numbers and designations, insomuch that the present plans and books of reference have been found insufficient to indicate the different properties, and great confusion and uncertainty may be caused thereby.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Commissioner of Crown Lands is authorized to cause to be prepared a new plan and a new book of reference for all or any of the said places, and to substitute the same for the present plans and books of reference, or any of them, which latter shall be cancelled so soon as the new ones shall be deposited in the registry office for the registration division of the county of Beauce. New official plan &c., of certain places in Beauce may be prepared.

2. The said Commissioner is authorized to amend all or any of the said plans and books of reference, and to add thereto any additional numbers or new designations, as may be deemed necessary for perfecting the same. Certain plans &c., may be amended.

3. The original numbering is to be preserved as much as possible, and no primitive number shall be cancelled if there exist any hypothec upon the same, and if it shall be found necessary to change the number of any lot, otherwise than as provided for by the preceding sections, the said Commissioner shall ascertain, by means of certificates to that effect, which the registrar shall furnish to him, whether there exist any charges and hypothecs upon the lots whose numbering is to be so changed. Proviso as to original numbering, &c.

When certified copies of such new plans and books of reference, or amended plans and books of reference, as the case may be, shall have been deposited in the said registry office, the said Commissioner, upon the receipt of the registrar's certificate establishing such deposit, shall give notice thereof in the Quebec Official Gazette. Publication required when copies &c., deposited.

4. In order to obviate all inconvenience, the delay of two years, granted by law for the renewal of the registration of real rights in all or any of the said places, is hereby extended and prolonged until the expiration of twelve months from the publication of the last mentioned notice. Delay of two years extended for certain time.

The same legal provisions shall also apply to the numbers thus affected by the corrections and additions made as aforesaid.

Index to  
immoveables  
to be prepared  
or amended.

5. So soon as certified copies of the official plans and books of reference, as aforesaid, shall have been deposited in the registry office, the registrar shall prepare or amend his index to immoveables in accordance with the changes effected.

Pending cases  
not affected.

6. This act shall not affect pending cases.

Coming into  
force.

7. This act shall come into force on the day of its sanction.

### C A P. L I I.

An Act respecting certain proceedings had before the Montreal District Magistrate's Court and the execution of the judgments of the said court.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain pro-  
ceedings to be  
continued in  
Circuit Court.  
Montreal.

1. All proceedings had and commenced, in suits for fifty dollars and over, before the Montreal District Magistrate's Court, in virtue of the acts 51-52 Victoria, chapter 20, and 52 Victoria, chapter 30, shall be continued before the Circuit Court of Montreal.

Execution of  
certain judg-  
ments.

The judgments rendered by the said magistrate's court in suits for the same amount shall be executed by the said Circuit Court.

Certain pro-  
ceedings to be  
continued in  
District Ma-  
gistrates'  
Court of  
Montreal.

2. The proceedings had and commenced, in suits under fifty dollars, before the said District Magistrate's Court shall be continued and the judgments for the same amounts, shall be executed by the Magistrate's Court for the city of Montreal.

Transfer of  
records, regis-  
ters, docu-  
ments, &c.

3. According to law, the records, registers, documents and archives of the Magistrates' Court of the district of Montreal, in cases for the amount mentioned in the first section of this act shall be transferred to the office of the Circuit Court in the district of Montreal; and those in cases for the amount mentioned in the second section shall be transferred to the office of the Magistrates' Court for the city of Montreal.

Coming into  
force.

4. This act shall come into force on the day of its sanction.

## CAP. LIII.

An Act to extend the provisions of article 2175 of the Civil Code respecting certain cadastral subdivisions.

[Assented to 2nd April, 1890.]

**W**HEREAS certain lands have been up to the present time subdivided and sold in lots, without plans and books of reference having been previously prepared in accordance with article 2175 of the Civil Code or in compliance with the acts 38 Victoria, chapter 15, section 2, and 48 Victoria, chapter 26 ; and whereas serious inconvenience has been thereby occasioned to the present holders of such lands ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

1. In the case where a property, before the passing of this act, has been, in whole or in part, subdivided and sold by lots, without there having previously been a plan and book of reference prepared according to article 2175 of the Civil Code, or in compliance with the acts 38 Victoria, chapter 15, section 2, and 48 Victoria, chapter 26, the Commissioner of Crown Lands may, on requisition addressed to him by a majority of the persons interested, permit that a plan and a book of reference of the subdivision of such property or portion of a property be made ; provided that the following formalities be observed :

Cadastral subdivision after sales.

a. A plan shall be made, bearing numbers as ordinary subdivisions, also a book of reference corresponding therewith, which shall be signed and certified as correct by the majority of the parties interested, and addressed, with a copy of such plan and book of reference to the Commissioner of Crown Lands, who shall keep the original, and remit such copy, certified by him, to the registrar of the registration division ;

Plan and book of reference to be prepared &c.

b. The registrar shall then prepare his index to immovables, for such property or portion of a property thus cadastrated, in his index book for the sub-divisions ;

Index to immovables.

c. On certificate of the registrar of the deposit of the plan and book of reference of such division so made, the Lieutenant-Governor in Council shall issue a proclamation, by which he shall order that all the hypothecs particularly affecting any of the lots mentioned in the said plan and book of reference, and not including the hypothecs affecting the whole property so divided, be renewed within a delay of one year, to be computed from the day fixed in such proclamation, and, in default of such renewal being made, any person who has not conformed

Proclamation to be issued after certain certificate of deposit.

Renewal of hypothecs thereafter.

to the provisions of this section shall lose his rank or priority of hypothec.

Cost of plan  
&c., by whom  
paid.

*d.* The cost of such plan and book of reference shall be borne by the persons interested. •

Application of  
act.

**2.** The provisions of this act shall only apply to facts anterior to the sanctioning thereof, and must not be interpreted as permitting, for the future, the making of plans and books of reference, otherwise than in conformity with the provisions of the said article 2175.

Coming into  
force.

**3.** This act shall come into force on the day of its sanction.

# C A P . L I V .

An Act to amend the Civil Code relating to registrars' certificates in certain cases.

[Assented to 2nd April, 1890.]

Preamble.

**WHEREAS**, in places in the Province where there are no separate official numbers given to the lands belonging to railways, registrars, when required to give certificates respecting the lands traversed by any such railway, are obliged by law to mention the judgments and hypothecs registered against such railway, thereby occasioning useless expense and trouble to the parties interested, and whereas it is urgent to remedy this state of things ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

C. C., art.  
2177 amended.

**1.** The following paragraph is added to article 2177 of the Civil Code :

Certificates  
by registrars  
in case rail-  
way land has  
no separate  
number.

"Nevertheless, in places where there are no official numbers given to the lands belonging to railways, registrars, when required to give certificates respecting the lands traversed by any such railway, are not bound to mention the judgments and hypothecs registered against such railway, unless specially requested so to do."

Coming into  
force.

**2.** This act shall come into force on the day of its sanction.

## CAP LV.

An Act to amend articles 67, 68 and 69 of the Code of Civil Procedure.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The following paragraph is added to article 67 of the Code of Civil Procedure. C. C. P., art. 67 amended.

" In the case of an action in separation from bed and board by a husband against his wife, if the latter resides outside the Province of Quebec, she may be called in to appear in virtue of article 68 or 69, as the case may be. Services upon wife in actions of separation from bed and board.

2. The words " but has property therein, " in article 68 of the said Code, as contained in article 5863 of the Revised Statutes of the Province, are replaced by the following " but that the cause of action arose therein " C. C. P., art. 68 and R. S. Q. art. 5866 amended.

3. The words "when a defendant having property in the Province has never had or has no longer any domicile therein, or " in article 69 of the said Code, as contained in article 5867 of the said Revised Statutes, are replaced by the following " if the defendant has left his domicile in the Province, or has never had such domicile, and " C. C. P., art. 69 and R. S. Q. art. 5867 amended.

4. This act shall come into force on the day of its sanction. Coming into force.

## CAP LVI.

An Act to amend the Code of Civil Procedure, respecting proofs.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 238a of the Code of Civil Procedure, as contained in article 5876 of the Revised Statutes of the Province of Quebec, is amended by striking out the words " Three Rivers, " in the second paragraph thereof. C. C. P., art. 238a and R. S. Q., art. 5876 amended.

2. Article 243 of the said Code, as it is contained in article 5877 of the said Revised Statutes, is amended by striking out the words " Three Rivers, " in the third clause of the said article. C. C. P., art. 243, and R. S. Q., art. 5877 amended.

Coming into  
force.

3. This act shall come into force on the day of its sanction.

## CAP. LVII.

An Act to amend the Code of Civil Procedure, so as to permit the taking of evidence by stenography in *ex-parte* cases.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

C. C. P. art. 317  
amended.  
Evidence in  
*ex-parte* cases  
may be taken  
by steno-  
graphy.

1. Article 317 of the Code of Civil Procedure is amended by adding thereto the following : "and the evidence may be taken by stenography, in conformity with articles 320a and 320b, as added by article 5888 of the Revised Statutes of the Province of Quebec.

## CAP. LVIII.

An Act to amend article 556 of the Code of Civil Procedure, respecting the seizure of moveables, as contained in article 5917 of the Revised Statutes of the Province of Quebec and amended by the Act 52 Vict., chap. 50.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

C. C. P., art.  
556 § 6, and  
R. S. Q. 5917  
amended.

Sewing ma-  
chine.

1. Paragraph 6 of article 556 of the Code of Civil Procedure, as contained in article 5917 of the Revised Statutes of the Province of Quebec, is replaced by the following :  
" 6. One sewing machine."

C. C. P., art.  
556, § 8, re-  
placed, and 52  
V., c. 50, s. 3,  
amended.  
Certain arti-  
cles &c. enum-  
erated as ex-  
empt from  
seizure.

2. Paragraph 8 of the said article, replaced by the Act 52 Victoria, chapter 50, section 8, is replaced by the following :

" 8. One span of plough horses or a yoke of oxen, one horse, one summer vehicle and one winter vehicle, and the harness used by a carter or driver for earning his livelihood, one cow, two pigs, four sheep, the wool from such sheep, the cloth manufactured from such wool, and the hay and other fodder intended for feeding the said animals ; further, the following agricultural tools and implements : one plough, one harrow, one working sleigh,

one tumbril, one hay-cart with its wheels, and all harness necessary and intended for farming purposes."

# C A P. L I X .

An Act to amend articles 621, 624 and 631 of the Code of Civil Procedure respecting seizures after judgment.

[Assented to 2nd April, 1890.]

**W**HEREAS it is expedient to amend articles 621, 624 Preamble. and 631 of the Code of Civil Procedure, concerning attachment after judgment;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The first paragraph of article 621 of the Code of Civil Procedure is amended so as read as follows: C. C. P., art. 621 amended

"If the declaration of the garnishee is not contested, and he has not declared that any other seizure has been made in his hands, the court, upon an inscription for judgment, by either party, orders him to pay to the seizing party on account, or to the extent, of his debt, the moneys seized, according to their sufficiency." Proceedings if declaration of garnishee not contested.

**2.** Article 624 of the said Code is amended by adding the following after the first paragraph thereof: C. C. P., art. 624 amended.

"If the seizing party fails to proceed against such garnishee, the party seized upon may obtain the dismissal of the seizure, with costs against him; or he may inscribe the case for judgment by default against the garnishee, and execute it in the name of the seizing creditor"; Proceedings if seizing party fails to proceed.

**3.** Article 631 of the said Code is amended to read as follows: C. C. P., art. 631 replaced.

**631.** "If a garnishee declares that he is not indebted and he cannot be proved to be so, the court, on motion of the garnishee or of the party seized upon, orders him to be discharged from the seizure, and condemns the seizing party to pay the costs." Proceedings if garnishee declares that he is not indebted.

## CAP. LX

An Act to amend the Code of Civil Procedure, with respect to abandonment of property.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 772a of the Code of Civil Procedure, as added by article 5961 of the Revised Statutes of the Province of Quebec, is replaced by the following :

**“ 772a.** The moneys realized by the curator from the property of the debtor must be distributed amongst the creditors by means of dividend sheets prepared after the expiration of the delays to file creditors' claims.

Such dividend sheets are payable fifteen days after a notice of their preparation has been given and a copy of such sheets has been sent to each creditor.

Such notice is given by the insertion of an advertisement in the Quebec Official Gazette.

Such copy of the dividend sheets, together with such notice, is sent by mail, by registered letter to the address of each of the creditors of the debtor who have filed their claims, or who appear upon the list of creditors of the debtor.

The claims or dividends may be contested by any party interested.

The contestation for such purpose is filed with the curator, who is bound to transmit it immediately to the prothonotary of the Superior Court of the district in which the proceedings upon the abandonment are then deposited, or of such other district as the parties interested in the contestation may agree upon ; and such contestation is proceeded upon and decided in a summary manner.

## CAP. LXI.

An Act to amend the Code of Civil Procedure respecting summary matters.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Paragraph 3 of article 887 of the Code of Civil Procedure, as it is contained in article 5977 of the Revised Statutes, is amended.

Statutes of the Province of Quebec, is amended by adding thereto the following : "suits by farmers for the price of their farm produce, suits by advocates, notaries and physicians to recover the sums due to them for professional services, suits by printers, for printing, publications or work performed by them in that capacity, as well as those for the price and value of subscriptions to journals or newspapers." Certain other suits to be summary matters.

2. Article 897a of the said Code, as added by the act 52 Victoria, chapter 52, section 1, is amended by adding after the word "shall," in the ninth line, the words "in contested cases." Id., 897a and 52 V., c. 52, s. 1, amended.

3. Article 899a of the said Code, as added by the said article 5977 of the said Revised Statutes, is amended by adding the following paragraph : Id., 899a and R. S. Q., art. 5977 amended.

"The words 'summary matters' shall be written or printed at the head of each original and copy of writ issued under the provisions of this chapter, which provisions shall be interpreted so as not to take away the option of proceeding under the ordinary rules of procedure." Certain words to be printed on certain documents. Interpretation to be given to chapter.

## CAP. LXII.

An Act to amend the Code of Civil Procedure respecting commissioners' courts.

[Assented to 2nd April, 1890.]

**W**HEREAS there is a variance between the English and French versions of paragraph 2 of article 1188 of the Code of Civil Procedure, as promulgated on the 22nd June, 1867 ; Preamble.

Whereas such variance, which consists in the words "but in the same district," does not exist in either the English or French versions of section 20 of chapter 94 of the Consolidated Statutes for Lower Canada, which the said Code should have reproduced ; and it is expedient that both versions of the Code should be alike and be in conformity with both versions of the original law ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Paragraph 2 of article 1188 of the Code of Civil Procedure, as contained in article 6011 of the Revised Statutes of the Province of Quebec, is amended by striking out the words "but in the same district," in the English version thereof. C. C. P., art. 1188 and R. S. Q., 6011 amended.

C. C. P., art.  
1212 amended.

**2.** Article 1212 of the said Code, is amended by striking out the words " within the district in which the court was held. "

Coming into  
force.

**3.** This act shall come into force on the day of its sanction.

## C A P . L X I I I .

### An Act to amend the Municipal Code.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

M. C., art.  
406 amended.

Jurisdiction  
of rural in-  
spectors over  
line fences  
and ditches  
in certain  
cases.

Application of  
preceding  
provision.

M. C., art. 481  
replaced.

Approval re-  
quired for cer-  
tain by-laws.

Certain prop-  
erty not to  
be computed  
in value.

M. C., art. 533  
and 52 V., c.  
55, amended.

**1.** Article 406 of the Municipal Code is amended by adding the following paragraphs thereto :

" As regards the line fence and ditch to be made and maintained between two contiguous properties, but which, by the division line between two municipalities, are situated one in one municipality and the other in another—whether such municipalities be or be not situated in the same county,—the rural inspectors of both municipalities have concurrent jurisdiction.

The foregoing provision applies, whatever may be the adjoining municipalities, parishes, villages, towns, etc., and even if they are not of the same kind."

**2.** Article 481 of the said Code is replaced by the following :

"**481.** Every by-law passed in virtue of the two preceding articles shall, before coming into force and effect, be approved by the majority in number and in value of the electors, being proprietors of taxable real estate, who have voted, in the municipality, and by the Lieutenant-Governor in Council.

No property exempted from municipal taxation by the by-law of the council or in connection with which a subsidy or bonus has been granted by the council, shall be computed in the value above-mentioned."

**3.** Article 533 of the said Code, as amended by the act 52 Victoria, chapter 55, is further amended by substituting the word *ainsi* for the word *aussi* in the first line of the last clause of the French version of the said article, and by adding to the said last clause the words " as established by the report of the road inspector or the

special officer duly appointed for that purpose under article 376."

4. Article 541 of the said Code is amended by adding Id., art. 541  
after the word " must " in the third line, the words : amended.  
" take down and "

5. The following article is added after article 548 of the Art. added  
said Code : after M. C.,  
art. 548.

" 548a. The powers granted to town and village Certain  
councils by article 653 are extended to councils of rural powers ex-  
municipalities." tended to  
rural councils.

6. Article 615 of the said Code is amended by striking M.C., art. 615  
out the words " twenty-five " and replacing them by the amended.  
word " fifty."

7. Article 718 of the said Code, as replaced by the act Id., art. 718  
Victoria, chapter 4, section 7, is amended by adding and 52 V., c.  
the following paragraph thereto after paragraph 16. 4, s. 7, amend-  
ed.

" 17. The valuation roll shall be summed up in the Summing up  
columns or parts which may be summed up, showing the of columns in  
total of each column." roll.

8. Article 774 of the said Code, as contained in article M. C., art., 774  
6164 of the Revised Statutes of the Province of Quebec, and R. S. Q.,  
is amended by adding the following thereto : art. 6164  
amended.

" Nevertheless, when a front road of an upper range is Maintenance  
situated, in whole or in part, in a lower range, the pro- of roads in  
prietors of the range of which it is the front road are none certain cases.  
the less bound to keep it in order. "

9. The following article is added after article 859 of Article added  
the said Code : after art. 859,  
M. C.

" 859a. When a municipality has decided to construct How iron  
an iron bridge under the direction of the Government, bridges shall  
the council of such municipality may insert, in a by-law, be built and  
that the abutments and bridge shall be built under the under what  
control of the Government and of its officers, or homo- supervision.  
logate a *procès-verbal* containing such provisions.

The foregoing provision applies to every bridge, the Application of  
construction whereof is already ordered, whether the work article.  
be commenced or not.

10. The following articles are added after article 877 Articles added  
of the said Code, as contained in article 6188 of the Re- after M. C.,  
vised Statutes of the Province of Quebec : art. 877.

Certain dates  
may be alter-  
ed.

**"877a.** The council may, by resolution duly published, alter the dates mentioned in articles 875, 876 and 877.

Removal of  
snow or ice,  
&c., from  
water-courses  
in certain  
cases.

**"877b.** In cases where the work is not done by the labor of the rate-payers, the inspector or special officer shall, at the time when the water-courses should be open and clear, whenever he is required so to do, remove or cause to be removed the obstructions caused by snow or ice or otherwise; and the cost of such work is paid by the interested parties mentioned in the *procès-verbal*."

M.C., art. 1071  
replaced.

**11.** Article 1071 of the said Code is replaced by the following :

Hearing of  
appeal.

**" 1071.** The appeal is heard and determined in a summary manner.

No new evi-  
dence, &c., to  
be adduced  
except in cer-  
tain cases.

In no case can new witnesses be heard or fresh evidence adduced unless the council or court of first instance has refused to take cognizance of the evidence offered, or except when the appeal is from a decision of a county council or a board of delegates."

#### CAP. LXIV.

#### An Act to amend the Municipal Code.

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Articles added  
after M. C.,  
art. 615.

**1.** The following articles are added after article 615 of the Municipal Code :

Provide for  
construction,  
&c., of  
aqueducts.

**" 615a.** To provide for the construction, protection and administration of aqueducts, public wells or reservoirs, and prevent the public waters from being dirtied or wasted.

Certain privi-  
leges may be  
granted to  
persons un-  
dertaking  
such works.

To grant for any number of years, to any company, person or firm of persons, who shall undertake or have undertaken the construction of an aqueduct, public wells or reservoirs, or who undertake the administration thereof an exclusive privilege to lay pipes for the supply of water within the limits of the municipality, and to contract for the supply of water for one or more years, but not to exceed twenty-five years.

Power to open  
streets, &c.,  
for such pur-  
poses.

**" 615b.** To grant, to any company, person or firm of persons, who undertake or have undertaken the construction

or administration of an aqueduct, public wells or reservoirs, the right of laying pipes for the said aqueduct in the roads or streets, in the ditches or under the sidewalks along the public roads and streets of the municipality, and to do such works as may be necessary for the purposes of the said aqueduct.

" **615c.** To exempt from municipal taxes, for a period not to exceed twenty-five years, every company, person or firm of persons who undertake or have undertaken the construction or administration of an aqueduct, public wells or reservoirs, and not to impose any municipal taxes on account of the said aqueduct, public wells or reservoirs during the said period."

Exemption from taxes may also be granted in favor of persons undertaking such works, &c.

**2.** Article 822 of the said Code is replaced by the following :

M. C., art. 822 replaced.

**822.** The provisions of this chapter, other than those enacted by article 825, apply only when there exists no *procès-verbal* or by-law specifying by whom the works on municipal roads are to be performed.

When provisions of chapter apply.

**3.** The following article is added after article 939. of the said Code.

Article added after M. C., art. 939.

"**939a.** The corporation of any municipality, which has issued debentures and which has been unable to invest the sinking fund intended for their ultimate redemption, may, in order to provide for the payment of any balance due on such debentures at their maturity, borrow on the credit of such municipality, a sum sufficient to pay such balance.

Corporation may borrow certain sum, if debentures issued and sinking fund not invested.

The council of such municipality may, by by-law approved of by the electors in the ordinary way, authorize its mayor or warden, as the case may be, to sign and execute an obligation to cover such loan, which shall stipulate for its payment by annuities extending over a period not exceeding twenty years and the last of which shall operate as and be a final extinguishment of the loan, or

Obligations to cover such loan.

It may authorize the warden or mayor to sign and execute as many obligations as there are years in the period during which the payments are to be made (and which shall not exceed twenty) each for an aliquot part of the loan with annual interest at a rate not exceeding six per cent, the first of which shall be payable in one year from the date of its execution, the second in two years, and so continuing during the stipulated term of years.

How such obligations may be executed.

The sum required to make said annual payments, with the interest on the outstanding debt, shall be levied.

Levy of sums to make annual payments.

collected and paid each year, being based upon the valuation roll in force at the time of such apportionment."

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C A P. L X V.

An Act respecting the dismembered portion of the parish of St-Jean-Baptiste de Montréal.

[Assented to 2nd April, 1890.]

Preamble,

**W**HEREAS the parish of St-Jean-Baptiste de Montreal, comprised between the former limits of the city of Montreal and Mount Royal Avenue, and between Papineau road and Amherst street and its extension, has been taken from the said parish and canonically annexed to the parish of St-Grégoire le Thaumaturge, by decree of the twenty-fifth December, one thousand, eight hundred and eighty-seven ;

Whereas it is equitable that the Roman Catholic proprietors of the portion so detached be removed from the operation of the acts 44-45 Victoria, chapter 82, and 50 Victoria, chapter 26, and

Whereas the interested property holders in the remaining portion of the parish of St-Jean-Baptiste have given their assent thereto at a parish meeting ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

44-45 V., c. 82,  
and 50 V., c.  
26, not to ap-  
ply to certain  
property hold-  
ers in St. Gre-  
goire le Thau-  
maturge.

**1.** The Roman Catholic property holders who are canonically detached from the parish of St-Jean-Baptiste de Montréal, and attached to that of St-Grégoire le Thaumaturge, are removed from the operation of the acts 44-45 Victoria, chapter 82, and 50 Victoria, chapter 26.

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C A P. L X V I.

An Act to amend an act of this session, chapter 65 of these statutes, intituled: " An Act respecting the dismembered portion of the parish of St-Jean-Baptiste de Montréal,"

[Assented to 2nd April, 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

53 V., c. 65, s  
1, amended.

**1.** The following paragraph is added after section 1 of the act mentioned in the title of this act :

" 2. Notwithstanding the preceding provision, the said property holders shall remain liable to the payment of the present repartition, in so far as the same may affect them, up to the first January, one thousand, eight hundred and ninety-three ; but shall not be obliged to pay another collection roll until the first of January, 1893.

Proprietors to remain liable to certain repartition.

2. This act shall come into force on the day of its sanction.

Coming into force.

## C A P. L X V I I.

An act to amend the charter of the city of Montreal.

[Assented to 2nd April, 1890.]

**W**HEREAS the corporation of the city of Montreal has, by its petition, represented that it is desirable that more ample powers be granted to it and it is expedient to grant its prayer ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

1. Every candidate for the office of mayor or alderman shall be obliged to deposit with the city clerk, along with his nomination paper, a certificate of qualification duly sworn to.

Certificate of qualification to be deposited by candidates.

2. The vote of the council of the said city, granting a sum of five thousand dollars (\$5,000.00) in aid of the victims of the fire in Saint Sauveur de Québec, is ratified and confirmed.

Certain vote ratified.

3. The said city council, as soon as subways shall have been constructed, may, by by-law, compel telegraph, telephone or electric light companies to put under ground their wires which are in streets or lanes where the said subways shall have been completed, and cause the posts to be removed ; the whole within the six months which shall follow the notice to be given by the corporation.

Council may compel telegraph, &c., companies to put wires under ground and to remove posts.

It may likewise pass a by-law for the purpose of defining and prescribing the method by which electricity shall be supplied and applied for lighting, the intensity and strength of the currents and the insulation of the wires.

May define method of applying electricity for lighting, &c.

It may, generally, adopt any measure required for protecting the lives and property of citizens : amongst others, construct or cause to be constructed subterranean pipes or tubes in the streets and lanes of the city to receive the telegraph, telephone and electric wires of

Adopt measure for protecting lives, &c., of citizens, and construct subterranean pipes or tubes for.

telegraph wires, &c., and lease same to companies for remuneration. Arbitration in case companies do not agree as to amount.

Companies may construct subways, &c.

Certain contracts not to be affected by this section.

the different companies and other companies of the same kind, in consideration of such annual remuneration as the council may fix with the consent of the said companies, or, in default of an amicable arrangement, the remuneration shall be fixed by experts, one to be named by the city another by the said companies, and, in case of difference of opinion between them, the said experts shall name the third; finally, if they do not agree upon such choice, the Superior Court shall appoint such third expert.

Any company may construct its own subways with the consent of the corporation and under the direction of the city inspector

Nothing in this section shall affect the contracts now existing between the city of Montreal and the Royal Electric Light Company.

Power to contract certain loan for certain purposes.

**4.** The corporation of the city is authorized to effect a loan of two hundred thousand dollars, (\$200,000.00), which shall be employed, either for the continuation of St. Lawrence street from Notre-Dame street as far as Commissioners street, or in constructing a means of communication or tunnel from Saint Paul street to Craig street in the said city and across the Champ de Mars, with ramp along the wharves on Fullum street or near such street.

Power to contract other loan for certain other purposes.

**5.** The corporation of the city is further authorized to effect a loan not exceeding the sum of one million dollars, (\$1,000,000), the proceeds of which shall be exclusively employed in making drains and bridges in the streets of the city, laying sidewalks and in widening, extending and paving the streets.

R. S. Q., art. 4529, 4530 and 4531 not to apply to loans.

The provisions of articles 4529, 4530 and 4531 of the Revised Statutes of the Province of Quebec shall not apply to such loan nor to that authorized by the preceding section.

Powers respecting plumbing and drains, &c.

**6.** The council of the city may promulgate any law to control and regulate the plumbing and construction of drains or soil pipes in the houses and buildings in the said city.

Appointment of bailiffs of Recorder's Court.

**7.** The council shall from time to time, appoint by resolution, the number of bailiffs of the Recorder's Court which may be necessary, and may dismiss them at any time and appoint others in their place and stead.

Oath of office of bailiffs.

The bailiffs so appointed shall take the oath of office before the recorder.

52 V., c. 79, s. 221, amended.

**8.** Section 221 of the charter of the city of Montreal is amended by striking out the words "an extent not to exceed one third of the cost thereof," and substituting

therefor the words "and which shall not be less one fifth."

9. Section 275 of the charter of the city of Montreal is <sup>Id., sec. 275</sup> amended by striking out all the words after the word <sup>amended.</sup> "domicile," and substituting therefor the following words:

"No action for such damages or indemnity shall lie and <sup>Limitation of</sup> no judgment shall be rendered unless such action has <sup>suits for dam-</sup> been instituted within six months after the day the <sup>ages, &c.</sup> accident happened."

10. It is hereby declared that the expropriation required <sup>Law govern-</sup> to widen St. Lawrence street, in the city of Montreal, and <sup>ing expropria-</sup> the rights arising therefrom or which have arisen owing <sup>tions for St.</sup> to the said expropriation, have been and shall be governed, <sup>Lawrence</sup> for all purposes whatsoever, by the act 51-52 Victoria, <sup>street widen-</sup> chapter 79, notwithstanding the act 52 Victoria, chapter <sup>ing.</sup> 79 and as if the latter act had not been passed.

11. This act shall come into force on the day of its sanc- <sup>Coming into</sup> tion. <sup>force.</sup>

#### CAP. LXVIII.

An Act to amend the acts respecting the Corporation of the city of Quebec.

[Assented to 2nd April, 1890.]

**W**HEREAS it is expedient to amend certain provisions <sup>Preamble.</sup> of the various acts which relate to the incorporation of the city of Quebec, and to add certain others thereto; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

#### PRO-MAYOR.

1. At its first meeting in the months of March, June, <sup>Appointment</sup> September and December, in each year, the city council <sup>and powers of</sup> shall elect one of the aldermen or one of the coun- <sup>pro-mayor.</sup> cillors of the said council to perform the duties of pro-mayor during the following three months; and the member so elected shall have and exercise all the powers, authority and privileges vested in the mayor, when the mayor is unable to exercise them through absence from the city, illness or other cause.

Sub-section 2 of section 8 of the act 29 Vict., chap. 57, and <sup>29 V., c. 57,</sup> section 1 of the act 31 Vict., chap. 33, amending the former, <sup>8, § 2, and 31</sup> <sup>V., c. 33, s. 1,</sup> are repealed. <sup>replaced.</sup>

## ASSESSORS.

29 V., c. 57, s. 18, § 1, re-  
placed. **2.** Sub-section 1 of section 18 of the act 29 Victoria, chapter 57, is repealed and the following substituted therefor:

Appointment of assessors by assessment board and composition of such board. **" 1.** Four or more assessors shall be appointed by a special board, called the assessment board and consisting of the mayor, the recorder, and the chairman of the finance committee of the city.

Term of office. Such assessors shall remain in office during the good pleasure of the said board."

36 V., c. 57, s. 3, repealed. **3.** Section 3 of the act 36 Vict., chap. 55, is repealed.

## WIDTH OF STREETS.

Width of streets to be hereafter opened.

**4.** Every street which shall hereafter be opened within the limits of the city shall be at least sixty-six feet wide; and when a street already in existence is widened, it shall after such widening be at least forty feet wide.

Certain projected streets in subdivision of lot 3755 to be of certain width.

But the projected streets on a plan indicating the subdivision of part of lot No. 3755 of the official plan and book of reference for St. John's ward of the said city of Quebec, and generally called No. 4, Tower Field, belonging to the Reverend Ladies of the Hôtel-Dieu de Québec, the said streets being situate from the projected street called Racine street, running towards the west as far as the projected street called Boulevard street, namely Richelieu, St. Olivier, Latourelle and Richmond streets, may be of, and not less than the width of 38 feet, and the projected streets or avenues under the names of Racine, Taschereau and Boulevard streets shall not be less than 40 feet.

29 V., c. 57, s. 33 § 1, repealed.

Sub-section 1 of section 33 of the act 29 Vict., chap. 57, is repealed.

## EXPROPRIATION FOR PUBLIC PURPOSES.

Proceedings in default of agreement: Upon price of immovables, &c.

**5.** Whenever the city cannot come to an understanding with the vendor or person entitled to compensation:

**1.** Upon the price of an immoveable or portion of an immoveable, or a servitude which the city wishes to acquire, either in connection with the water-works or for the widening, opening or extension of the streets, or as a lot for some municipal building, or the establishing of public parks or squares, or for acquiring an active servitude, right of way, opening a drain or introducing pipes;

Upon the price of a servitude. **2.** Upon the price of a servitude upon any immoveable, situate within or without the limits of the city;

Upon the damages from altering level of sidewalks. **3.** Upon the amount of damages caused by changing the level of a sidewalk within the city;

4. Finally upon any object whatsoever connected with public improvements, and within the powers of the council ;

In such case the city surveyor shall deposit in the office of the city clerk a certificate showing the amount of the price or compensation which he thinks should be allowed the vendor or the person entitled to such compensation on account of such immoveable or portion of immoveable or of any servitude and expropriation whatsoever, as above mentioned.

Upon anything connected with city improvements. City surveyor to deposit certificate showing value in office of city clerk.

6. The amount mentioned in such certificate is then tendered by notarial deed to the said vendor or the person entitled to such compensation.

Amount to be tendered by notarial deed.

7. If the offer be not accepted, a copy of the deed of tender is deposited in the office of the said city clerk, and the city then applies by petition to the Superior Court, sitting at Quebec, or to a judge thereof, for the appointment of three experts to inspect the place and establish the price or amount of the compensation to be allowed.

Proceedings if offer not accepted.

A notice of the petition shall be served, at least three clear days before it is presented, upon the person to whom the tender has been made.

Notice to be served.

8. If the person entitled to such price or compensation has no domicile in the said city, such offers may be made to his agent or attorney, managing such property ; in such case, notice of the said petition may be served at the domicile of such agent or attorney.

If person entitled to compensation absent, offer and notice to be made and served upon agent.

9. As soon as the petition is presented, the said city may deposit in the office of the said Superior Court, the amount of such legal tender. and, after such deposit, the city may take possession of any such immoveable or part of an immoveable mentioned in the petition and exercise the powers conferred upon it by law as if the compensation had been finally determined and paid.

Deposit of amount of tender in office of Superior Court and city may afterwards take possession of property.

10. Articles 326, 327, 328, 329, 330, 331, 332, 333, 336, and 338 of the Code of Civil Procedure apply to references to experts under this act.

Provisions to apply to references to experts.

11. The experts are entitled to a fee of four dollars a day for the period during which they perform their duties.

Fees of experts.

12. The experts may hear the witnesses produced before them by the parties, and at their expense, and also the parties if they deem advisable.

Power of experts to hear parties and witnesses.

Witnesses may be sworn. Evidence to be oral. Such witnesses and the parties may be sworn by one of the experts; the examination shall be *viva voce*, and the depositions shall not be taken down in writing.

When report to be made and how signed. **13.** The report of the experts shall be made on or before the day fixed for that purpose by the court or judge; it is signed by the experts or made in notarial form and *en brevet*.

Difference of opinion between experts. In case of difference of opinion between the experts as to the amount of the price or compensation, their award has full force and effect if two of them agree.

Statement of costs. A statement of the costs must accompany the report.

Homologation of report after notice. **14.** As soon as the experts' report is filed in the office of the said court, the city or the parties interested may, after three days' notice to the parties interested, apply to such court or to a judge thereof for homologation of the report to all intents and purposes; and the said court or judge, as the case may be, after ascertaining that the proceedings and formalities, above prescribed, have been duly followed, confirms and homologates the report, which, as regards the parties concerned, is final and without appeal.

Costs, if award does or does not exceed offer, by whom paid. **15.** If the amount awarded by the experts does not exceed the amount tendered, the party expropriated may be condemned to pay all the costs of the expropriation; in the contrary case, such costs may be given against the city.

Amount to be deposited by city, if award exceeds offer. **16.** If the amount deposited in the prothonotary's office by the city is less than that awarded by the experts, the city shall, within eight days from the homologation of the report, deposit the difference in the said office.

Certificate to be delivered by prothonotary upon deposit being made of money tendered and effect thereof. **17.** As soon as the deposit is made after the homologation of the experts' report, the prothonotary delivers to the city a certificate (*acte*) of such deposit with the description of the immoveable expropriated, and such certificate (*acte*) of deposit constitutes a legal title in favor of the city to the ownership of such immoveable and is registered accordingly.

Effect of expropriation. **18.** The said expropriation has the same effect as a judicial sale, as well as in the cases where the compensation is established by mutual agreement.

The whole or portion of a lot may be expropriated. If the city council deems it advisable, it may expropriate the whole or a portion only of the immoveable.

Registrar's certificate to be obtained. **19.** After delivering such certificate of deposit, the prothonotary must, at the request of any party interested, and

at the expense of such party, obtain a registrar's certificate in connection with the said immovable; he shall also publish, during two consecutive weeks in the Quebec Official Gazette and twice in an English and in a French newspaper, published, in the city, a notice of such deposit ordering the filing, within eight days from the final publication of the notice, of all oppositions for payment.

by prothonotary.

Notice to be given of such deposit.

**20.** After the expiration of the delay for filing the oppositions, the prothonotary draws up a report of distribution of the amount of the deposit as in ordinary cases before the Court.

Report of distribution when and by whom to be drawn.

Nevertheless, the amount of the deposit is not liable to any tax, commission or impost whatsoever.

No duty, &c., on such deposit. Collocation for costs.

The costs adjudged or taxed in favour of an interested party, or incident to the proceedings, shall be collocated in favour of those who are entitled to the same.

**21.** Sub-sections, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of section 35 of the act 29 Vict., chap. 57, and sub-sections 5, 6, 7, 8 and 9 of section 36 of the same act are repealed.

29 V., c. 57, s. 35 §§ 4 to 6, and 8 to 21, s. 36 §§ 5 to 9, repealed.

#### CONTRACTS.

**22.** Section 28 of the act 29 Vict., chap. 57, as amended by section 13 of the act 29-30 Vict., chap. 57, is repealed and the following substituted therefor :

29 V., c. 57, s. 28 and 29-30 V., c. 57, s. 13, replaced.

**28.** Every contract, wherein the consideration exceeds two hundred dollars, which shall be given for the city, for work to be done by it or for articles or things to be supplied to it, shall be passed by notarial deed, and the party contracting with the city shall, as security for the performance of his contract, furnish such security as the council determine before according the contract.

Certain contracts to be by notarial deed and security to be given by contractor.

If the council has not determined the security to be furnished or decided that no security is necessary, such contract shall be void.

Contract void in certain event.

#### BY-LAWS.

**23.** Every by-law, heretofore passed by the city council in the absence of the mayor or pro-mayor, is declared valid as if it had been passed by the council sitting under the presidency of the mayor or pro-mayor.

By-laws passed in absence of mayor and pro-mayor valid.

The present section shall not affect cases decided by the courts nor pending cases.

Certain cases not affected.

**24.** The city council, as soon as suitable subways are constructed, may, by by-law :

Council may, by by-law :

Order electric wires, &c., to be placed under ground and polls to be removed.

Order that, after the period specified therein, which shall not be less than three years, electric, telegraph, telephone, electric light companies, or all similar companies, shall remove from the streets or public squares in the city the posts on which the electric wires of such companies are suspended, and that such electric wires be put under ground and not otherwise.

Council may have work done if companies do not.

In every by-law on this subject, the council may order that in default of such companies cutting down and removing the posts and wires within the delay specified in the by-law, the city shall have the right to have the same cut down and removed at the expense of the company in default.

Companies may make their own subways, &c.

Companies shall have the right to construct their own subways with the consent of the corporation and under the superintendence of the city surveyor.

Council further may :  
Regulate intensity of electric currents, &c.

**25.** The council may further pass by-laws :

1. For regulating the intensity or strength of electric currents to be carried along the wires, and to impose penalties for every infringement of the by-law to that effect ;

Regulate depth of building lots, &c.

2. For regulating and determining the depth of lots or properties to be divided into building lots in the city, provided the depth required be not more than one hundred feet ;

Order that plans of subdivisions of property be approved by city surveyor, before sale of lots, &c.

3. For ordering that any plan of the division of a property into building lots and opening streets on such property shall, before the same can be completed, and before the lots can be put up for sale, be approved by the city surveyor to whom the plan shall be submitted, and who shall have the right to make the changes therein which he may deem necessary in the interest of the city to make it conformable to the preceding provision ;

Order that plans of buildings to be erected be approved by city surveyor.

4. For ordering that no building can be commenced within the city before the plans of such buildings have been submitted to the city surveyor and approved by him, in so far only as the public health and safety are concerned ;

Compel owners of hotels, &c., to provide fire escapes, &c., &c.

5. For compelling owners of buildings occupied as hotels, theatres, factories, schools, places of public entertainment, and of all other buildings which the city council shall designate, to provide the same with proper apparatus for saving life ; for having the same examined, from time to time, by the city inspector, and to prohibit the use of such buildings as long as they are not so provided, and have not been inspected.

City authorized to borrow certain sum for :

**26.** The city of Quebec is authorized to borrow a sum of money to the amount of five hundred and twenty three thousand dollars, for the following objects, namely :

1. Two hundred and fifty thousand dollars, for public works and improvements in the new St. Sauveur and St. Valier wards : for introducing water from the city water-works and drainage therein ; for establishing police and fire stations ; putting up a fire alarm telegraph, and purchasing the land required for the widening of certain streets and other works therein.

Improvements in St. Valier and St. Sauveur wards, &c.

2. Twenty-seven thousand six hundred and fifty-five dollars, to pay the balance of the cost of widening St. Ours, Champlain, and St. John street within the walls ;

Widening St. Ours, Champlain, and St. John streets.

3. Seventy-five thousand six hundred and fifty-five dollars, to pay for the work of paving and widening Grande Allée and other streets in the city.

Paving &c., Grande Allée.

4. Twenty thousand dollars, to pay to the Government of this Province the price of a lot of land purchased from it for the purpose of building another City Hall with dependencies.

Purchase of new city hall lot.

5. One hundred and fifty thousand dollars, for building a new City Hall with dependencies on the lot aforesaid.

Building new city hall.

27. In order to effect such loan or a portion thereof, the city is authorized to issue bonds or debentures as it may deem necessary for the objects aforesaid, for such amounts, redeemable in the Province or elsewhere, in the currency of Canada or of other countries, at such date, with such interest and in such manner as may be agreed upon between the city and the lenders or holders of such debentures.

Debentures to be issued therefor.

These debentures shall be made and registered like those whose issue is already authorized.

How made and registered.

The authorization to issue such bonds or debentures, conferred upon the council by this act, shall not be interpreted as having lapsed after a first issue, but such power may be exercised, from time to time, until the debentures constituting such issue are withdrawn or paid and duly cancelled, or until the limit of the amount of debentures required to convert the total amount of such debt is attained.

Authorization not to lapse after first issue, &c.

28. Section 11 of the act 45 Vict., chap. 100, is amended by replacing the words " upon such bonds as aforesaid " in the third and fourth lines, by the words " in this act."

45 V., c. 100, s. 11, amended.

29. Section 17 of the act 45 Vict. chap. 100, is amended by replacing the words " the recorder " in the thirteenth line of the said section, by the words " the recorder's court."

45 V., c. 100, s. 17, amended.

#### LICENSES.

30. Section 9 of the act 50 Vict., chap. 57, is repealed and replaced by the following :

50 V., c. 57, s. 9, replaced.

Require persons to take licenses for certain vehicles and horses for hire.

" 9. To compel every person, keeping horses or vehicles for hire in the city, to obtain a license for that purpose from the council, by paying for the said license a sum not exceeding fifty dollars, and an additional sum, not exceeding ten dollars, for each horse and each vehicle intended only to be hired out at the domicile, office or place of business of the proprietor of such horses and vehicles, when the horses and vehicles, which shall be exempt from carrying numbers, shall not remain for hire on carters' stands."

#### MUNICIPAL ELECTORS.

51-52 V., c. 78, ss. 2 to 11, replaced.

Qualifications of an elector.

**31.** Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the act 51-52 Vict., chap. 78 are replaced by the following :

" 2. To be entitled to vote at an election of mayor or councillor, a person must be at least twenty-one years of age ; have paid all his taxes on or before the fifteenth of December in each year ; be a subject of Her Majesty, by birth or naturalization, and be inscribed on the list of electors for aldermen or councillors for the ward in which he wishes to vote.

Qualification of electors for councillor.

3. Every person is also entitled to vote at the election of a councillor who is tenant or occupant, in the city of Quebec, of an immoveable or part of an immoveable, for which he pays an annual rent of at least fifty dollars, and if he has, before six o'clock in the afternoon of the fifteenth December previous, paid to the city treasurer all the taxes for which he is personally responsible to the said corporation, and if his name is inscribed on the list of electors for the election of councillors for the ward in which the immoveable is situated, of which he is the tenant or occupant.

Entries to be made in books by assessors.

The assessors shall, in future, enter in their books the names of all the proprietors, tenants or occupants of immoveables, with a statement of the venal value, the leasing value or the rent, as the case may be, of each immoveable or part of an immoveable occupied separately, even if such proprietor, lessee or occupant pays or does not pay taxes to the city.

#### LIST OF ELECTORS.

Preparation of lists of electors.

4. Between the fifteenth and the thirty-first days of December, in each year, the assessors shall prepare for each ward, from the books of assessment for the current civic year, two alphabetical lists, to wit : a list containing the names of all those who, according to such books, shall appear to be entitled to vote in such ward for councillors, and another list containing the names of all those who, according to such books, appear to be entitled to vote

Contents of lists.

for aldermen, and who shall have, before six o'clock in the afternoon of the fifteenth day of December, paid their assessments and taxes of all kinds which they owe to the city, as well, as all arrears thereof.

This provision does not, however, apply to the taxes for water supplied from the water-works of the said city.

Water rates excepted.

If the said fifteenth day of December be a non-juridical day, the delay mentioned in this section extends only to six o'clock in the afternoon of the preceding juridical day.

If fifteenth December, non-juridical day.

5. On the second of the month of January following, the assessors shall certify each of such lists and hand them to the city clerk, in whose office they shall remain deposited until the twelfth day of the same month, from nine o'clock in the morning to four o'clock in the afternoon.

Deposit of lists in office of city clerk.

6. Before the second of January, the said clerk gives public notice of the deposit of such lists, informing the public by the notice that such lists shall, during the said period, be shewn to any person making application therefor; and every elector who may wish to apply for the insertion of a name in any of the said lists, or the striking of a name therefrom, shall do so within the delay fixed by law for so doing.

Notice of deposit of lists and what to contain.

7. The board of revisors for revising the electoral lists shall commence to sit on the seventeenth of January in every year, at the city-hall, in the council room, at the hour specified in the public notice given by the clerk.

When and where board of revisors to sit.

If the seventeenth of January be a non-juridical day, the first of such sittings shall be on the following juridical day.

If 17th January non-juridical day.

8. No application for the insertion of a name in such lists or the striking of a name therefrom, is received at the city clerk's office after four o'clock in the afternoon of the sixteenth day of January.

When notice to make corrections may be received.

9. Every such application shall state the reasons upon which it is founded, and if it be for the purpose of striking a name, it shall be served upon the person whose name is sought to be struck, at least two clear days before the seventeenth of January.

Reasons to be given on application. Service of application.

Such service is effected and proved by a bailiff of the Superior Court in the same manner as the service of summons in civil matters.

Service to be by bailiff.

If the person in question does not reside within the limits of the city, the notice is deposited in the post office of the city of Quebec, in a stamped and registered envelope, addressed to such person and posted at least three days before the seventeenth of January.

If non-resident, notice to be given through post office.

10. At least four days before the seventeenth of January, the clerk shall give notice in a French and in an English newspaper, published in the city, of the day, hour and place at which the board shall proceed to the revision of such lists, and determining the order in which such revision shall be made.

Notice in newspaper of day and hour of revising lists.

Conclusion of revision.

Lists designed and sealed after revision.

Applications not decided before certain date to lapse.

11. The revision of the said lists shall be concluded on or before the twentieth of January in every year.

After such revision, they shall be signed by the mayor and the clerk of the board and sealed with the seal of the corporation.

All applications for inserting and striking names in and from such lists, which are not decided and determined on the twentieth of January, shall, from that date, be deemed never to have been made."

#### MISCELLANEOUS PROVISIONS.

51-52 V., c. 78, s. 20, amended.

Oath of officer presiding at poll and before whom to be taken.

Provisions respecting assessment of real estate held under emphyteutic leases.

32. The following sub-section is added after section 20 of the act 51-52 Vict., chap. 78 :

"The officer presiding at the poll shall make oath before the recorder, the mayor or pro-mayor of the city, to faithfully and impartially perform the duties of his office."

33. In the case of an immoveable held by a lessee under emphyteutic lease, the city assessors may enter, in the assessment and taxation books, the name of such holder and that of the direct owner of the property of which such immoveable forms part, and both shall, after the expiration of existing leases, in each case, be jointly and severally liable for the payment of the assessments and taxes imposed on such immovable.

What moveables are liable for business tax, etc.

34. The same moveables and moveable effects, which by law are security for the payment of the rent of an immoveable or part of an immoveable, shall be subject to the privilege of the city for the payment of every personal tax or business tax due to the city by reason of any business, trade or profession being exercised or carried on, in or upon such immoveable or part of an immoveable.

Section added after 51-52 V., c. 78, s. 32. Elector who cannot mark his ballot may require and have assistance.

35. The following section is added after section 32 of the act 51-52 Vict., chapter 78 :

"32a. At the request of any elector, who cannot read or write, or who, owing to blindness or other physical infirmity, is unable to vote in the manner prescribed by this act, the officer presiding at the poll shall assist such elector by marking, in the presence of the candidate or his representative, the ballot-paper of such elector in favour of the candidate whom he names and by depositing such ballot-paper in the ballot box."

Sections added after 51-52 V., c. 78, s. 50. Petition for recount before judge, when to be made.

36. The following sections are added after section 50 of the act 51-52 Vict., chap. 78.

"50a. In the four days following that on which the city clerk has declared a member of the city council elected, it shall be lawful for any elector to apply, by petition to a

judge of the Superior Court at Quebec, for a recount or a new addition of the votes.

" 50b. Such petition shall be supported by an affidavit <sup>Affidavit in support thereof.</sup> to the effect that the officer presiding at the poll has improperly received or rejected any ballot-papers at such election, or has improperly summed up the votes.

" 50c. The judge, to whom the said petition is presented, <sup>Judge to fix day, place and hour for recount.</sup> shall issue an order specifying the place, day and hour at which he will proceed to examine the ballots, and commanding the city clerk to attend then and there with the parcels containing the ballots used at the election.

The order shall be served upon the city clerk and upon <sup>Service of order.</sup> the candidates interested, two days before the day fixed by the judge as aforesaid.

" 50d. At the time and place fixed, the judge shall <sup>Proceedings by judge at recount.</sup> proceed to recount all the said votes or ballots, to examine the ballots set aside or spoiled, and to verify and correct the counting of the ballots and the statement of the number of votes given for each candidate, and shall deliver all the said ballots, with a certificate of the result of his examination, to the said city clerk who shall declare elected the candidate who shall have received the greatest number of votes according to the judge's certificate."

**37.** In all cases not specially provided for by this act, <sup>Election act to apply to elections of members of council in cases not specially provided for.</sup> the proceedings followed for the election of members of the Legislative Assembly of this Province shall apply *mutatis mutandis* to the elections of members of the said city council.

**38.** This act shall come into force on the day of its <sup>Coming into force.</sup> sanction.

#### CAP. LXIX.

An Act to amend the various acts relating to the corporation of the city of Three Rivers.

[Assented to 2nd April, 1890.]

**W**HEREAS the corporation of the city of Three Rivers has, by its petition, prayed that certain amendments be made to the act 38 Victoria, chapter 76, and the various acts amending the same; and whereas it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Section 1 of the act 49-50 Victoria, chapter 46, re- <sup>38 V., c. 76, s. 12 and 49-50 V., c. 46, s. 1 replaced.</sup> placing section 12 of the act 38 Victoria, chapter 76, is replaced by the following:

Qualification  
of municipal  
electors.

" 12. Every person is a municipal elector of the city and as such has a right to vote at the municipal elections, who :

Age and sex.

1. Is of full age of majority and of the male sex ;

Residence and  
taxation.

2. Resides in the city and is taxed according to the valuation or assessment roll or is entered in the collection book and is in possession of immoveable property in the city of the value of at least two hundred dollars, as shown by the said roll or book ;

Tenants.

3. Is in possession, as tenant of immoveable property, has resided and paid in the city during the year immediately preceding the election, for a house or part of a house, a rent of at least thirty dollars per annum, according to the valuation or assessment roll and collection book.

Taxes must  
be paid before  
certain date.

In order to be entitled to vote at the election of the mayor or aldermen, or for any other object in connection with the affairs of the city, or with respect to the administration and management of such affairs, such person must also have paid, at least thirty days before the date fixed for the election or the meeting at which he has to vote, all municipal taxes and assessments due to the corporation and exigible by it.

Certain persons not qualified to vote.

Nevertheless, the permanent officers and employees of the corporation, the constables and policemen appointed and paid by the council, have no right to vote at such elections."

Term of office  
of mayor and  
aldermen.  
When they  
retire.

2. The mayor is elected for two consecutive years and the aldermen for three consecutive years.

They shall remain in office until their successors enter into office.

Determin-  
ation of retire-  
ment of certain  
aldermen.

At least one month before the date of the annual elections of eighteen hundred and ninety, four of the aldermen, who, under the provisions of section 22, were then to go out of office in Notre-Dame and St. Philippe wards, shall draw lots in the manner determined by the city council, and the two aldermen designated by lot, as well as the two aldermen of St. Louis and Ste Ursule wards, whose term of office shall have expired, shall go out of office at the next annual municipal elections (1890) ;

Of certain  
other alder-  
men.

The two other aldermen remaining after the drawing of lots, shall continue in office until the annual elections of eighteen hundred and ninety-two, when their term of office will expire.

Of certain  
other alder-  
men.

A new drawing of lots shall also take place at the time and in the manner above indicated between the four aldermen of St. Louis and Ste. Ursule wards, whose term of office will expire at the date of the annual elections of eighteen hundred and ninety-one, to designate two of them, one for each of the said wards, who shall then

retire from office, with an alderman in each of the St. Philippe and Notre Dame wards, whose term of office shall have then expired;

The two other aldermen remaining after the drawing of lots shall remain in office until the annual elections of eighteen hundred and ninety-two, when their term will expire, and they shall then be replaced, as well as the other aldermen whose term of office shall expire or shall have expired, according to the provisions of the present section.

The provisions of section 22 of the act 38 Victoria chapter 76, as replaced by the act 40 Victoria, chapter 51, which are inconsistent with the provisions of this section, are repealed.

Retire from office of certain aldermen.

Inconsistent provisions of 38 V., c. 76, s. 22 and 40 V., c. 51, s. 65, repealed.

**3.** Section 12 of the act 40 Victoria, chapter 51, is replaced by the following:

"12. The polling shall take place in each of the said wards on the first Monday of July, and shall commence at nine of the clock in the morning, at the place fixed upon by the officer presiding over the said elections, as aforesaid, in a room or building of convenient access, with a door for the admittance of the voters, and having, if possible, another door through which they may leave, after having voted."

40 V., c. 51, s. 12 replaced.

Poll when and where to be held.

**4.** Section 41 of the act 40 Victoria, chapter 51, is replaced by the following:

"41. Immediately after the close of the poll, which shall be at five of the clock on the afternoon of the said first Monday of July, the deputy presiding officer shall immediately open the box containing the ballot papers, and in the voting room, and in presence of the poll clerk and of the candidates or their agents, or in the absence of any one of the candidates and his agents, in the presence of at least three electors, proceed to count the number of votes given for each candidate."

40 V., c. 51, s. 41.

Summing up of votes by deputy presiding officer, when and where to be made and in whose presence.

**5.** Section 63 of the act 40 Victoria, chapter 51, is replaced by the following:

"63. Whoever shall infringe any of the provisions of the preceding section, shall incur and pay for each offence a fine of forty dollars, which shall be recovered with costs of suit, and for his benefit, by any person who shall sue for the same before the circuit court or district magistrate's court for the district of Three Rivers, or before any other court of competent jurisdiction; and every offender found guilty in the above mentioned cases, shall be deprived of the right of voting or of being elected mayor or alderman of the said city at the following municipal election."

40 V., c. 51, s. 63 replaced.

Penalty for infringing provisions of section 62.

How and for whose benefit recovered.

Right to vote taken away from offender, etc.

38 V., c. 76, s.  
33 replaced.

Election of  
pro-mayor.

Provisions in  
case of va-  
cancy in office  
of mayor.

40 V., c. 51, s.  
73, as amended  
by 45 V., c.  
101, s. 11 re-  
placed.  
Fiscal year.

Taxes &c.,  
to be deemed  
for such  
period.

Proviso.

How certain  
assessments  
for certain  
period shall  
be levied and  
when.

Valuation roll  
to be made  
this year to be  
basis for col-  
lection roll  
of year.

40 V., c. 51, s.  
74 replaced.

Amount that  
may be voted  
by council for  
expenses of  
year.

Council not  
to pledge  
certain reve-  
nues, &c.

**6.** Section 33 of the act 38 Victoria, chapter 76, is replaced by the following :

" 33. At the first meeting of the council in the months of January and July, it shall elect one of its members as pro-mayor, to replace the mayor and perform his duties in case of his absence.

In the event of a vacancy in the office of mayor through death, resignation or absence from the sittings of the council during three consecutive months or any other cause, the council shall select one of its members to replace him, and such member shall perform the duties of mayor and assume the title of mayor until the expiration of the term of office of the mayor whom he replaces."

**7.** Section 73 of the act 40 Victoria, chapter 51, as amended by the act 45 Victoria, chapter 101, section 11, is replaced by the following :

" 73. The fiscal year in the city of Three Rivers commences on the first day of January and ends on the last day of December, both days included.

The assessments, dues, taxes and contributions imposed and levied each year shall be deemed to be so for such period ; but the council may, by by-law or resolution, specify a period when any other tax or due, imposed by it, shall be exigible and levied.

The assessments, dues, taxes and contributions for the six months between the first of July, eighteen hundred and ninety, and the first of January, eighteen hundred and ninety-one, shall be levied proportionately to such period of time according to the valuation roll which shall be made during the present year at the usual time and in the usual manner, and shall be payable when the secretary-treasurer shall have completed his collection roll according to the provisions of section 103 of the act 38 Victoria, chapter 76, as amended by the act 45 Victoria, chapter 101, section 7.

The valuation roll which shall be made during the course of the present year, shall remain in force during the year eighteen hundred and ninety-one, and shall serve as a basis for the collection roll during that year only."

**8.** Section 74 of the act 40 Victoria, chapter 51, is replaced by the following :

" 74. The amount voted each year by the council to meet the expenses of the current year, in accordance with section 42 of the said act 40 Victoria, chapter 51, shall not exceed the amount of the receipts of the previous year, added to the balance of such receipts remaining unexpended ; and the council cannot, in any case, pledge the revenues or appropriations of the following year."

9. Section 65 of the act 38 Victoria, chapter 76, is <sup>38 V., c. 76, s. 65 replaced.</sup> replaced by the following :

" 65. Whenever a by-law shall have been passed by the council to tax real estate in the said city, and which shall be subject to the approval or disapproval of the municipal electors of the said city, the proprietors of real estate in the said city, of the value of at least two hundred dollars, according to the valuation roll then in force, shall alone be entitled to vote on any such by-law. <sup>Persons who have a right to vote on by-laws taxing real estate.</sup>

A list of the said proprietors, thus qualified as above to vote on such by-law, shall be prepared by the, <sup>List of such electors.</sup> secretary-treasurer and shall be posted and revised in the same manner and within the same delays, prescribed by the act hereby amended for the lists of voters at the annual municipal elections of the said city.

Nevertheless, such list shall be made only in cases <sup>When list to be made.</sup> when qualified property owners object to the approval of the by-law and where a poll upon such by-law is demanded, in writing, by at least ten of such property owners, at a public meeting presided over by the mayor, and convened in the same manner, at the same place and within the same delays as the public meetings of the municipal electors of the city by the mayor or secretary-treasurer, within the ten days following the passing of the by-law by the council.

When the property owners, present at the said public meeting, are unanimous in approving the by-law passed by the council and submitted for their approval and <sup>If property owners do not object to by-law, proceedings thereafter.</sup> when no poll is demanded, the mayor and the secretary-treasurer, the former in his capacity of presiding officer and the latter as secretary of the meeting, shall draw up and sign the minutes of the meeting and report the same to the council at its next session, to be there read and afterwards deposited amongst the archives of the council.

If a poll be demanded on the by-law at the said public meeting, it shall be held, as above indicated, on the day <sup>How poll to be held, if demanded.</sup> specified by the council for the purpose.

It shall commence at nine o'clock in the morning and be concluded on the same day at five o'clock in the evening. <sup>When to commence and end.</sup>

In order to have full force and effect, the by-law must <sup>Majority required for approval.</sup> be approved by the votes of two-thirds in number of the said property owners.

In default of such majority, the by-law is deemed to have <sup>If such majority is not received.</sup> been disapproved by the said property owners and is null and void."

10. Sub-section 1 of section 65 of the act 38 Victoria, <sup>38 V., c. 76, s. 65 § 1, replaced.</sup> chapter 76, is replaced by the following :

Conceding lots &c., opening streets in common. Council may concede or give lands in common to aid certain enterprises.

Certain by-law, giving certain land out of common for certain enterprise, confirmed.

" 1. For conceding lots and opening new streets in the common of the city, as the same becomes necessary, on such conditions as the council deems it expedient to impose.

The council may, likewise, by a simple resolution, concede or give lands in the said common for the purpose of promoting the construction of railways, and the establishment of manufactories and industries of all kinds within the city limits, any law to the contrary notwithstanding.

The by-law passed by the council on the third of January, eighteen hundred and ninety, and unanimously approved by the rate-payers on the twentieth of the same month, granting as a bonus to Eugène Prosper Bender the quantity of one hundred acres of the said common for the construction of abattoirs in the city, is confirmed and legalized for all lawful purposes."

38 V., c. 76, s. 74 replaced.

Conditions upon which licenses for sale of liquor &c., to be granted.

**11.** Section 74 of the act 38 Victoria, chapter 76, is replaced by the following:

"74. The collector of provincial revenue shall grant no license to any inn-keeper or other dealer in or retailer of alcoholic, vinous or fermented liquors in the city, except upon presentation of the two following certificates, namely: the license certificate granted by the three commissioners appointed in virtue of section 14 of the act 51-52 Victoria, chapter 10, (\*) and the certificate of the secretary-treasurer of the council, establishing that the tax or duty imposed by the council upon every inn-keeper or other dealer or retailer has been previously paid to the said secretary-treasurer."

Paragraph added after 38 V., c. 76, s. 103 § 3, as amended by 45 V., c. 101, s. 7. License may be required to be exhibited.

Arrest in case of refusal.

Commitment in default of bail.

**12.** The following sub-section is added after sub-section 3 of section 103 of the act 38 Victoria, chapter 76, as amended by the act 45 Victoria, chapter 101, section 7:

"4. Notwithstanding all the above provisions respecting the collection of the taxes imposed by this act, in the case of the collection of taxes or duties levied in virtue of section 3 of the act 49-50 Victoria, chapter 46, upon every non-resident merchant or agent, his employees and clerks, coming into the city to sell or offer for sale therein, merchandize of any kind whatsoever, except by sample, catalogue or price list, any police officer or constable of the city may require each of such persons to exhibit his license; and, upon his refusal to exhibit such license or if he has no license, to take him before the mayor of the city or before any magistrate or justice of the peace to give bail to appear before the court of such magistrate or justice of the peace at its first sitting.

Every person so arrested, who cannot or will not give bail, as aforesaid, or who refuses to pay the amount levied

(\*) See article 844 of the Revised Statutes of the Province of Quebec, which consolidated the said section 14.

and due for such license, shall be detained in the common gaol of the district of Three Rivers until the next sitting of the court held by the mayor, magistrate or justice of the peace.

The amount of bail to be given shall be one hundred dollars. Amount of bail.

If the conditions of the bail bond are not fulfilled, the amount mentioned therein shall belong to the corporation, and may be recovered by suit brought before the circuit court of the district of Three Rivers. If conditions of bond unfulfilled.

If the person arrested appears, the court, on the admission of such person or upon the offence being proved by one or more credible witnesses, shall condemn such person to pay a fine not exceeding fifty dollars, which fine shall belong to the city of Three Rivers; and in default of the immediate payment of such fine and costs, the person so arrested and condemned shall be imprisoned in the common gaol of the district of Three Rivers for a period not exceeding two months, unless such fine and costs, including those of imprisonment, be sooner paid." Proceedings after appearance. Judgment and fine. Imprisonment in default of payment.

**13.** The following sections are added after section 1 of the act 45 Victoria, chapter 10 : Section added after 45 V., c. 10, s. 1.

"1a. The school commissioners of the city of Three Rivers, represented and acting by and through the city council, as aforesaid, may grant a remission not exceeding ten per cent upon all taxes and assessments entered in the collection roll and which shall have been paid within the twenty days following the public notice given in virtue of section 103 of the act 38 Victoria, chapter 76, announcing that the collection roll is completed and deposited. School commissioners may grant remission not to exceed certain amount, if taxes paid within certain time.

"1b. The said school commissioners may exact and collect six per cent for each year of arrears of such taxes and assessments, as well as upon each year of arrears of interest due in virtue of any obligation, agreement or contract whatsoever, and may exact a rate of interest of six per cent per annum upon every sum of money paid out by them for the benefit of any person, in accordance with the provisions of any law or by-law passed by the said commissioners, and of any obligation, agreement or contract whatsoever, and upon the amount of any judgment obtained by the said commissioners before any court of justice." Interest on arrears, &c.

**14.** Section 107 of the act 38 Victoria, chapter 76 is replaced by the following: 38 V., c. 76, s. 107 replaced

"107. When the price, for which such land or building lot has been sold or adjudged, shall exceed the amount due to the said council of the city of Three Rivers, the secretary-treasurer of the said council shall pay over, into Proceedings if land sold for more than amount due to city.

the funds of the city, the surplus money which he may thus have in his hands, which shall be payable, without interest by the said council, after the expiration of the six months next after the sale of such land or lot, to any person having a right thereto, within one month after the regular notice to pay such sum shall have been given to the secretary-treasurer of the said city ;

Registrar's certificate to be previously procured.

But, before dispossessing himself of any of the said surplus money, it shall be the duty of the secretary-treasurer to require and receive from the registrar of the registration division of Three Rivers, a certificate of all the privileges and hypothecs whatever, which the said land thus sold shall be subject to.

Proceedings if seizures or opposition have been served upon secretary-treasurer.

If, within the space of the said six months, there is served upon the secretary-treasurer a *saisie-arrêt* or opposition to the payment of the moneys which he thus has in his hands, or if it appears, by the certificate of the said registrar, that there exists any privilege and hypothec on such land, then the said secretary-treasurer shall, at the expiration of the said six months, place, in the hands of the prothonotary of the superior court for the district of Three Rivers, a certificate under his hand and the seal of the said corporation, setting forth the amount of the moneys that he thus has in his hands, over and above the amount due to the said corporation, as well as all seizures, oppositions or other documents which may, during the course of the said six months, have been duly served upon him, and shall comply with the provisions of any judgment of distribution which may afterwards intervene before the said superior court.

Certain payments heretofore made, declared valid.

The payments, made previous to the present time, of surplus moneys derived from sales of immoveable properties in the city for municipal and school taxes and assessments, by the said corporation to persons who were apparently entitled thereto before the expiration of two years from the sale of such properties, are confirmed and legalized for all intents and purposes."

Council may order construction of drains in streets &c., and pay cost thereof out of certain debentures.

**15.** The council may, of its own accord, when it deems the same necessary, order the construction of drains in any street or lane of the city and pay the cost thereof out of the debentures, which it is authorized to issue in virtue of section 9 of the act 51-52 Victoria, chapter 80, and the amount thereof shall be added to the cost of the drains already constructed, in virtue of the said section and the by-law of the sixth February, eighteen hundred and eighty-eight.

Application of 49-50, c. 46, s. 11, and 51-52, c. 80, s. 8, and cer.

Section 11 of the act 49-50 Victoria, chapter 46, as amended by section 8 of the act 51-52 Victoria, chapter 80, and as replaced by the following section 16 of this act, and the said by-law, shall apply to proprietors of real estate

situate on the streets or lanes in which such drains shall be made, as if they had been originally included in such by-law; and the special tax imposed by the said by-law shall be levied upon such proprietors from the day to be determined by the council, in proportion to the value of their properties, to pay their share of the interest and sinking fund of the debt contracted for paying the expenses occasioned by such drains.

tain by-law  
to certain  
proprietors.

Levy of cer-  
tain special  
tax autho-  
rized.

The provisions of section 9 of the act 51-52 Victoria, chapter 80, which are inconsistent with those of the present section, are repealed.

Inconsistent  
provisions of  
51-52 V., c. 80;  
s. 9, repealed.

**16.** Section 11 of the act 49-50 Victoria, chapter 46, is replaced by the following :

49-50 V., c. 46,  
s. 11, replaced.

" 11. The council shall have power to issue bonds, from time to time, for paying the cost of such drains, to an amount not exceeding sixty thousand dollars, and to levy a special tax upon all real estate owners in such streets or parts of streets, based upon the value of their property, as established by the valuation roll, in order to meet the annual interest on such bonds and the percentage determined as a sinking fund for the same."

Power of  
council to  
issue bonds  
to pay cost of  
such drains  
&c., and levy  
special tax  
upon certain  
proprietors.

**17.** The two following sections are added after section 134 of the act 38 Victoria, chapter 76 :

Sections added  
after 38 V.,  
c. 76, s. 134.

" 134a. If any person claims or pretends to have been injured by any accident or casualty, for which he intends to claim damages or compensation from the city, he shall, within thirty days from the date of such accident or casualty, give a notice to the city of such intention, containing the particulars of his claim, and stating his own domicile; failing which, the city shall be relieved from all responsibility for any damages or compensation caused by such accident or casualty, any article or provision of the Civil Code to the contrary notwithstanding.

Notice re-  
quired of suits  
for damages  
to be taken  
against city.

Failure to  
give such  
notice.

" 134b. All actions, suits or claims against the city, or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, are prescribed by six months from the day on which the right of such actions, suits or claims originated, any law to the contrary notwithstanding."

Suits for  
damages pre-  
scribed by six  
months.

**18.** Section 26 of the act 38 Victoria, chapter 76, is replaced by the following :

38 V., c. 76, s.  
26 replaced.

" 26. The contestation of the election of mayor or aldermen shall be within the exclusive jurisdiction of the Circuit Court for the district of Three Rivers, which shall sit for the trial and hearing of such contestations on every juridical day in the year, even during vacation from the first of July to the first of September.

Contestation  
of election of  
mayor or  
aldermen  
before what  
court  
brought.

Decision final and without appeal.	The decision rendered by the said court shall be final and without appeal.
Who may contest.	Every election may be contested by one or more of the candidates or by at least ten electors of the city, by means of a petition, served within the thirty days following the election, setting forth in a clear and precise manner the facts and reasons on which such contestation is based.
Service of petition and notice.	A certified copy of the petition, with a notice indicating the day on which it will be presented to the court, shall be duly served upon the mayor or aldermen whose election is contested, at least eight days before the day on which the petition shall be presented to the court.
Return of service.	A return of such service shall be made and signed in due form on the original of the petition by the bailiff who has made the service.
Security to be given.	No such petition shall be received unless the petitioner or petitioners deposit, in the office of the said court, when the petition is presented, the sum of one hundred dollars as security for the costs of the opposite party.
Proof ordered in certain event after preliminary hearing.	If the court is of opinion that the facts and reasons set forth in the petition are sufficient in law to set aside the election, it shall order proof thereof, which may be verbal, and the hearing of the parties and their witnesses at as early a day as possible.
Proceedings summary.	The court shall proceed in a summary manner to hear and decide such contestation, from day to day, until it has pronounced its final judgment.
Powers of court on contestation.	The court before which the contestation is tried, may confirm the election or set it aside or declare another person duly elected, and in either case, condemn either of the parties to pay the costs of the contestation, which shall be taxed as in an action of from one hundred to two hundred dollars and recovered in the same manner.
Service of judgment.	The judgment of the court shall be served upon the secretary-treasurer of the council at the expense of the party condemned to pay the costs.
Power of court as to defects and irregularities in election.	If any defects or irregularities in the formalities prescribed for the election are alleged in the petition in support of the contestation, the court may admit or reject them, according to its opinion as to whether they may or may not have materially affected the election."
Sub-section added after 38 V., c. 76, s. 76 § 2.	<b>19.</b> The following sub-section is added after sub-section 2 of section 76 of the act 38 Victoria, chapter 76 :
Gaming prohibited.	" 3. For prohibiting games with cards, dice, dominos and other similar games in establishments where spirituous liquors are sold."

38 V., c. 76, s. 42 replaced.

**20.** Section 42 of the act 38 Victoria, chapter 76, is replaced by the following :

" 42. Before the first of February in each year, the council shall vote the sums necessary to meet the expenses of the current year, and provide :

1. For the payment of the debts or obligations of the said corporation, falling due during the course of the said year ;

2. For the payment of the interest on the capital of the other debts of the said corporation ;

3. For the general and ordinary expenses of the said city ;

4. For the appropriation of the sums required during the said current year, for projected improvements or works ;

5. For the creation of a reserve fund of not less than five per cent, to be levied on the revenues of the said city from whatever source they arise, and such reserve fund shall be for the purpose of meeting the unforeseen expenses of the said corporation."

21. This act shall come into force on the day of its sanction.

## C A P. L X X .

An Act to incorporate the city of Ste Cunégonde of Montreal.

[Assented to 2nd April, 1890.]

WHEREAS it has become necessary to consolidate the various acts of the Legislature of the Province of Quebec respecting the corporation of the town of Ste Cunégonde and to grant certain additional powers to the said town ;

Whereas it is desirable that the laws of Ste Cunégonde be assimilated to those of the city of Montreal ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## PRELIMINARY TITLE.

### MISCELLANEOUS PROVISIONS.

#### SECTION I.

#### DECLARATORY AND INTERPRETATIVE PROVISIONS.

1. The act 47 Victoria, chapter 90, intituled, "An Act to incorporate the town of Ste Cunégonde," is repealed together with all acts amending the same.

2. The following words in this act shall, unless the context otherwise requires, be understood to have the meaning given by this article.

- "Council." 1. The word "council" shall mean the council of the corporation of the city of Ste Cunégonde of Montreal;
- "Mayor,"  
"alderman,"  
"city surveyor." 2. The words "mayor," "aldermen," "city surveyor," shall mean the mayor, aldermen and city surveyor, of the corporation of the city of Ste Cunégonde of Montreal, respectively ;
- "Secretary-treasurer,"  
"assistant-secretary-treasurer,"  
"assistant clerk." 3. The words "secretary-treasurer," "assistant secretary-treasurer," "clerk," or "assistant clerk," shall mean the secretary-treasurer, assistant secretary-treasurer, clerk and assistant clerk of the city of Ste Cunégonde of Montreal ;
- "Corporation." 4. The word "corporation" shall mean the city of Ste Cunégonde of Montreal, as hereby constituted ;
- "Superior Court." 5. The words "Superior Court" shall mean the Superior Court for the district of Montreal ;
- "Recorder's Court." 6. The words "Recorder's court" shall mean the recorder's court of the city of Ste Cunégonde of Montreal, and the word "Recorder," the recorder of the said city ;
- "Recorder."  
"City." 7. The word "city" shall mean the city or corporation of the city of Ste Cunégonde of Montreal.
- "Rate-payer." 8. The words "rate payer" shall mean any person liable to the payment to the corporation of any assessment, tax of any nature whatsoever, or water rate ;
- "Owner,"  
"proprietor,"  
"tenant,"  
"occupant." 9. The words "owner," or "proprietor," "tenant" and "occupant," shall have the same meaning as that given them in the Quebec Election Act, title second, chapter second, of the Revised Statutes of the Province of Quebec ;
- "Elector." 10. The word "elector" means any municipal elector of the city of Ste Cunégonde of Montreal, who is qualified to vote when he exercises his right as elector ;
- "Electors who are proprietors." 11 The expression "electors who are proprietors" means those who are entered on the valuation roll of the city, in force at the time they exercise their right as electors, and who are, at the same time, proprietors in possession, in virtue of *bonâ fidé* titles.
- "Municipal dues." 12. The expression "municipal dues" means all taxes, whether general or special, imposts, dues, assessments, apportionments, licenses, special assessments, rates or compensation for water and lighting, fines or penalties, as well as all debts due the corporation whether they form part of its revenue or not ;
- "Contract." 13. The word "contract" does not apply to the lease of stalls, nor to the lease, sale or purchase of land nor to loans of money, nor to any agreement in connection therewith ;
- "Assessors,"  
"Valuators." 14. The words "assessors" and "valuators" are synonymous ;
- "Valuation roll," "assessment roll,"  
"Police officers," &c. 15. The words "valuation roll" and "assessment roll" are synonymous ;
16. The words "police officers" "policemen" "constables" are synonymous ;

17. The words "bonds" and "debentures" are synonymous, and mean the bonds which the council is empowered to issue. "Bonds," "debentures."

18. The French expressions "*adjoint*" "*maire suppléant*" "*pro-maire*" are synonymous and mean the pro-mayor. "Adjoint," "maire suppléant," &c."

19. The word "assessment" shall mean the rates annually levied upon immoveable property in the city generally; "Assessment."

20. The words "special assessment" or "apportionment" shall mean the assessment levied, from time to time, upon certain proprietors for local improvements; "Special assessment," "apportionment."

21. The word "tax" shall mean the personal duty or license fee levied upon trades, business, professions or occupations generally; "Tax."

22. The words "water rates" shall designate the price or value of water supplied by the city, as fixed under the provisions of this act or of any by-law passed in virtue thereof; "Water rates."

23. The word "person" shall mean any individual, company, association, commercial firm or corporation, unless such interpretation shall be inconsistent with the context. "Person."

3. Unless the contrary be indicated, every reference to an article refers to an article of this act, and every reference to a form refers to the form designated by the same letter contained in the schedule to this act. References to articles in the act.

4. Unnecessary allegations and expressions introduced into the municipal acts of the council, or of its officers or employees, do not affect the validity thereof, if, when they are set aside as superfluous, the remainder of the provision conveys the meaning required. Unnecessary allegations &c., in municipal acts, &c., not to render them invalid.

5. The council and its officers exercise all the powers conferred by law upon the city. Powers of city how exercised.

6. No act connected with municipal affairs, performed by the council, its officers or any other person, shall be null or void solely on account of error or insufficiency in the designation of the corporation of the city, or of this act, or in designation of the qualities of such officers or person, nor even on account of the omission of the designation of such person, provided no surprise or injustice result therefrom. Acts connected with municipal affairs not void for certain informalities.

7. No objection founded upon form or upon the omission of any formality, even imperative, shall be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless the formality omitted be such, that its omission, according to the pro- Objections to the form not to be allowed in suits respecting municipal matters.

visions of this act, would render null the proceedings or other municipal acts needing such formality.

Prescription  
of suits to  
annul by-laws,  
for damages,  
&c.

**8.** No action, suit or proceedings to annul any by-law or other act of the council, or for damages, indemnity, or relating to any matter or by-law in connection with this act, shall be instituted against the city or against any person after two months from the date at which the cause of action originated, or from the adoption of the by-law, resolution or other act of the council sought to be annulled.

If day fixed  
for perform-  
ance any duty  
be a holiday.

**9.** If the day fixed upon for the execution or performance of any duty prescribed or proceedings, the holding of any meeting, poll, sale, deliberations or other things whatsoever be a non-juridical day they shall, *pleno jure*, be postponed or adjourned to the following juridical day.

Before whom  
oaths may be  
taken.

**10.** Any oath required by the provisions of this act may be made before the mayor, a judge, the recorder, the secretary-treasurer or any justice of the peace.

Oaths and cer-  
tificates may  
be required  
without fee.

Any person, before whom any oath may be made is required, whenever he is called upon to do so, to administer the oath and deliver a certificate thereof, without fee.

Competency  
of certain per-  
sons as wit-  
nesses, in  
suits affecting  
city.

**11.** All citizens, electors, rate-payers, and constables of the city, and all members or officers of the council, shall be competent witnesses in suits wherein the rights of the said city are affected, if they be not otherwise incapable to act as witnesses.

Notice to be  
served by per-  
son intending  
to sue city in  
damages.

**12.** If any person claims or pretends to have been injured by any accident or casualty, for which he intends to claim damages or compensation from the city, he shall, within three months from the date of such accident or casualty, serve a notice upon the city of such intention containing the particulars of his claim, and stating his own domicile; failing which the court may in its discretion give costs against the plaintiff.

When suit to  
be brought.

The action must be brought within six months.

Signatures of  
certain officers  
may be affixed  
by stamp, &c.

**13.** The city clerk, and the city treasurer, may respectively affix their signature to the certificates and to the notices which they are required to give under this act, by stamping said signature thereon with a stamp to be previously approved by the council and used exclusively for that purpose; and the signature so affixed shall be, to all intents and purposes, as valid as if in the handwriting of the said clerk or treasurer; and the production of any document or instrument bearing such stamp shall be *prima facie* evidence of the authenticity thereof, and of the au-

Effect of docu-  
ments so  
signed.

thority of the officer to affix the same; and, except the officers above referred to, all persons are prohibited from using the said stamped signatures, under the penalty provided in article 283.

Penalty on other persons using.

**14.** This act shall be known as the charter of the city of Ste Cunégonde of Montreal.

Name of act.

Nothing therein contained shall apply to the city of Montreal, nor shall be of a nature to affect the laws agreements and relations now existing between the two cities.

Act not to apply to city of Montreal.

It shall come into force on the day of its sanction.

Coming into force.

## SECTION II.

### TEMPORARY PROVISIONS.

**15.** The council, as hereby incorporated, is substituted for all purposes whatsoever for the aforesaid corporation of the town of Ste Cunégonde, and succeeds to all its rights, powers, privileges, debts and obligations.

Council to be substituted to corporation of town of Ste. Cunégonde.

It shall be vested with all the powers, rights and privileges conferred by the aforesaid acts hereby repealed according to article 1, and shall be bound to perform all the duties imposed by the said acts.

Vested with all its rights, &c.

**16.** The councillors of the town of Ste Cunégonde shall remain in office until their respective terms of office expire and shall be replaced in accordance with the provisions of this act.

Present councillors of town of Ste. Cunégonde continued in office, &c.

From and after the coming into force of this act, the said councillors and their successors shall be called aldermen.

Name of councillors hereafter.

**17.** The present municipal officers and employees of the town shall likewise remain in office until they are removed or replaced by the council.

Present municipal officers continued in office, &c.

**18.** All *procès-verbaux* governing water-courses and streets, assessment rolls, statements of dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the mayor and council of the town of Ste Cunégonde or their predecessors, shall continue to have full force and effect, until they are cancelled, amended, set aside or accomplished.

Existing *procès-verbaux*, &c., continued in force.

All notes, bonds, debentures, obligations and engagements whatsoever, signed, endorsed, accepted, issued or contracted by the council of the town of Ste Cunégonde, up to the coming into force of this act, shall have all their legal effect.

Notes, bonds, &c. issued by council of town to be binding &c.

## TITLE I.

## ORGANIZATION OF THE CORPORATION.

## SECTION I.

## INCORPORATION OF THE CITY.

- 19.** The inhabitants of the town of Ste Cunégonde and their successors, inhabiting the said town, are hereby constituted a body politic and corporate, under the name of "the city of Ste Cunégonde of Montreal."
- 20.** The corporation of the said city, under its corporate name, shall have perpetual succession, and may :
- 1. Sue and be sued in any cause and before any court of justice ;
  - 2. Have a common seal, which it may do away with, change or alter at will ;
  - 3. Acquire real or personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same for the use of the city ;
  - 4. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;
  - 5. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, obligations, debentures, judgments, securities or other titles, whether negotiable or not, in the fulfilment of all rights and powers conferred upon it by its charter and by law, and of all the duties and obligations devolving upon it; and, in particular, for the securing of loans, for the payment and settlement of amounts due by or to it under any deed, contract or agreement for the payment of grants or bonuses or for other legitimate purposes.

## SECTION II.

## LIMITS OF THE CITY. DIVISION INTO WARDS.

- 21.** The city comprises all that extent of territory contained within the actual limits of the town of Ste Cunégonde.
- 22.** The city is divided into three wards or divisions, respectively designated and known as "East Ward," "West Ward" and "South Ward."
- Their respective boundaries are those fixed by the existing by-laws of the town.
- 23.** The council may, by an affirmative vote of the majority of all its members, alter the boundaries and

limits of the wards or increase or diminish the number thereof.

**24.** It may fix the number of aldermen to be elected by each ward, and indicate those who shall cease to represent the wards which may be done away with. Number of aldermen for each ward.

**25.** It may reduce or increase the number of aldermen ; but there must not be less than seven, the present number, nor more than twelve for the whole city. Increase or reduction in number. Proviso.

### SECTION III.

#### ANNEXATION OF TERRITORY.

**26.** It shall be lawful for the city council, by the current vote of the majority of its members, to make laws to extend the city limits, by annexing thereto, for all municipal purposes, any adjoining municipality or part of municipality. Annexation of adjoining territory by by-law.

The by-laws for that object shall contain a complete description of the territory to be annexed, with a plan thereof, shewing its area and boundaries, and set forth the terms and conditions upon which it shall be so annexed. By-law what to contain.

They shall also determine whether the territory so annexed shall form a ward by itself, or be annexed, in whole or in part, to any existing ward or wards.

But every by-law for the purpose of extending the limits of the city, as above set forth, shall, before its third reading and final adoption, be approved by the electors who are property holders in the municipality or part of a municipality which is to be annexed ; which approval shall be given according to the rules set forth in the following articles. Approval of by-law required.

**27.** A copy of the by-law is published once a week for one month in one English and one French newspaper in the city of Montreal, and posted up at the door of the city hall, at the door of the parish church of the said municipality, at the door of the hall or building in which the council of such municipality usually holds its meetings, and in at least six other public places in the said municipality, or part of municipality, as the case may be,—with a notice, to be signed by the city clerk, certifying that it is a true copy of a by-law which will be taken into consideration by the city council, after the expiration of thirty days from the date of the last publication thereof, as aforesaid ; and that on a day and hour and at a place designated in the notice, a general meeting of the electors who are proprietors in the said municipality, or part of municipality, will be held for the purpose of con- Publication, &c., of by-law, with notice when to be considered. Meeting of electors to be called in no-vice.

dering such by-law, and approving or disapproving of the same.

When meeting to be held.

**28.** Such meeting is held not less than fifteen nor more than twenty days from the date of the last publication of the by-law within the limits of the territory to be annexed, and the place, day and hour set forth in the notice calling the meeting are fixed by the mayor of the city.

Who presides over meeting.

It is presided over by the mayor of the municipality within whose limits it is held, or, in the event of his absence or refusal to act, by a member of the council of such municipality present at the meeting and selected by it.

Secretary-treasurer to be secretary of meeting and to have certain rolls with him.

The secretary-treasurer or clerk of the city is bound to attend such meeting and to act as secretary thereof and have with him the assessment rolls and lists of electors who are property holders in such municipality, or with a certified copy of such documents.

What question to be decided at meeting.

**29.** The only question to be determined at such meeting is whether the majority of the qualified electors, being proprietors in the said municipality, or part of municipality, as the case may be, present at the said meeting, do or do not approve of the by-law ;

Presiding officer to declare, if majority approve or disapprove.

After the question is put, the person presiding shall declare whether, in his opinion, the majority of the said electors are for the approval or disapproval of the by-law ; and his decision, if not appealed from, in the lapse of an hour, is final, and, within eight days thereafter, is communicated to the mayor of the city, by a certificate under the hand of the secretary of the meeting ;

Appeal from decision.

Any five of the electors present at such meeting may appeal from the decision of the person presiding, and

Poll therefor.

demand a poll, which is granted ; the vote is immediately taken by the person presiding, the secretary-treasurer of the municipality acting as poll-clerk ;

Voting.

Each of the electors presents himself in turn to the person presiding, and gives his vote " yea," or " nay" ; the word " yea " meaning that he approves of the proposed by-law, and the word " nay," that he disapproves of the same ; but no person's vote is received unless he appears by the assessment rolls and voters' list to be an elector in the municipality, or part of municipality, as the case may be, duly qualified to vote as a proprietor of immoveable property therein ;

Continuation of polling to second day in certain event.

If, at five o'clock in the afternoon on the day of the meeting, the votes of all the electors present have not been registered, the presiding officer adjourns the voting to the following day at ten o'clock in the forenoon, and the voting is then continued as on the first day and is closed at five o'clock in the afternoon of the said second day.

If, at any time, on the first or second day, an hour elapses without a vote being offered, the poll is closed ;

At the close of the poll, the person presiding counts the "yeas," and the "nays," and ascertains whether the majority of the electors are for the approval or disapproval of the said by-law ; and thereupon he forthwith makes and signs a certificate stating the result of the voting upon the said question, and such certificate is countersigned by the secretary-treasurer of the city acting as secretary of the meeting, and is kept by him, with the poll-book, among the records of his office.

**30.** If the by-law is not approved by the majority of the electors of the municipality, or part of municipality, as the case may be, qualified as aforesaid, who have recorded their votes as aforesaid, the council cannot proceed to pass the same ; but, if it is approved by such majority, it is submitted to the council, with a preamble reciting the fact that such by-law has been approved by a majority of electors qualified, as aforesaid, in the said municipality or part of municipality, as the case may be, at a meeting called and held in conformity with the requirements of this act.

If the by-law is passed by the council, by the vote of the majority of its members, then such by-law has effect, provided it is approved by the Lieutenant-Governor in Council.

**31.** The Lieutenant-Governor in Council may require from the council and from the municipality to be annexed, in whole or in part, under such by-law, all such documents and information as he may think necessary for ascertaining the expediency or in expediency of such by-law, or any of the provisions thereof ; and the proper officers of the council and of such municipality shall furnish the same accordingly ; and thereupon the Lieutenant-Governor in council may, in his discretion approve or disapprove of such by-law ; and if he approves of the same, such approval gives to such by-law the force of law ; and thereafter, the same is presumed and held to be regular and legal and the validity thereof and the sufficiency of all notices and proceedings relating thereto, and to the passage thereof, cannot be disputed before any court, nor in any other manner whatever.

**32.** Any municipal officer or member of a municipal council, who neglects or refuses to perform, or to concur in performing, any official act or duty required of him for carrying out the provisions contained in the six next preceding articles, is liable to a fine not exceeding one hundred dollars, which penalty may be sued for in the

name of Her Majesty, before any competent court, within six months after the offence was committed.

Effect of  
annexation.

**33.** So soon as any municipality or part of a municipality is annexed to the city, under this act, such municipality, or part of a municipality, becomes subject to the provisions of the several acts, by-laws, rules and regulations then in force or thereafter to be made and passed, under the powers conferred upon the corporation of the city by its charter, or by any act amending the same, except in so far as such provisions may be inconsistent with the conditions of the by-law under which such annexation has taken place.

#### SECTION IV.

##### THE CITY COUNCIL, ETC.

##### § 1.—*The Council.*

Council re-  
presents city.  
How rights  
are exercised.

**34.** The corporation of the city is represented by its council; its rights are exercised and duties performed by the said council and its officers.

Corporation  
seat.

**35.** The corporate seat is at the office of the secretary-treasurer in the City Hall.

Office hours.

Such office shall be open and of access to the public every juridical day, from nine in the forenoon to four in the afternoon.

Office to be  
closed on  
polling day.

**36.** The office of the corporation shall also be closed on polling days in the city.

Quorum of  
Council.

**37.** The majority of the members of the city council constitute a quorum thereof.

Election of  
mayor by  
aldermen.

**38.** At the first general session of the council after the annual election of aldermen, the members of the council, if there be no vacancy in the office of aldermen, or if such vacancy has been filled, proceed to elect as mayor of the city one of the aldermen possessing the necessary qualifications.

Appointment  
of pro-mayor.

**39.** The council may appoint one of the aldermen to perform the duties of pro-mayor and has the right to remove him at will.

His duties.

The pro-mayor performs the duties of the mayor, in the event of his absence or inability to act and during a vacancy in the office of mayor.

Powers of  
mayor.

**40.** The mayor exercises the right of superintendence over all the officers of the council.

He may suspend any one of them ; and the officer or employee so suspended cannot be re-instated in office without the approval of the council.

He sees to the faithful execution of all municipal ordinances and by-laws.

He communicates to the council any information or suggestion which he may consider conducive to the interests of the city or of the citizens.

**41.** The mayor and secretary-treasurer sign, seal and execute, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provide otherwise.

Mayor and secretary-treasurer sign contracts, &c.

**42.** While they are in office, the mayor and aldermen are justices of the peace *ex officio*, and have jurisdiction over the whole territory of the city.

Mayor and aldermen justices of the peace.

The fact alone of their being members of council qualifies them to act as justices of the peace, without their having to take an oath or to comply with any of the formalities or conditions required of justices of the peace.

No other qualification or oath required.

**43.** The council and any of its committees by its president may, in the name of the council or of such committees, summon any witness who is ordered to appear before the council or one of its committees, administer the oath to him and examine him.

Power of council and committees to summon witnesses.

Articles 55 and 56 apply to such witness.

Application of certain articles to witness.

**44.** Every member of the council, shall immediately after his election take the oath of office according to form A. and shall deposit such oath in the office of the council.

Oath of office of member of council when and where to be deposited.

Such oath may be taken before a justice of the peace or before the mayor then in office or before the clerk, and an entry thereof shall be recorded in the minute book of the council.

Before whom to be taken.

The entry into office of a member of the council is effected only by the deposit of his oath of office in the office of the council.

Entry into office of member of council.

**45.** The omission by the councillor during the space of ten days to deposit in the office of the council his oath of office for the position to which he has been elected, constitutes a refusal to accept the same, and renders him liable to the penalties prescribed, unless he be exempt from serving.

Effect of omission to deposit oath within certain time.

**46.** The aldermen receive no salary, profit or indemnity, in any shape whatsoever, for their services.

Services of aldermen gratuitous.

Members of council not to occupy other positions under council, or become sureties for officers or contractors, &c.

**47.** The members of the council are unable to hold any subordinate office under the council.

They cannot be sureties for the officers or employees of the corporation.

They cannot become sureties for the fulfilment of any obligation contracted by a third party towards the council.

Votes given not to be set aside because member illegally exercising office.

**48.** No vote given by a person filling illegally the office of member of the council, and no act in which he participates in such quality, shall be set aside solely by reason of the illegal exercise of such office.

## § 2.—Committees of the Council.

Appointment of standing or special committees.

**49.** The council may appoint standing or special committees, composed of as many of its members as it may judge convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties.

When committees are formed.

**50.** The committees are formed every year at the first sitting after the annual general elections.

Replacing of members of committees.

**51.** The council may replace any member of the said committees whenever it deems expedient.

Mayor *ex-officio* member of all committees.

**52.** The mayor is a member *ex-officio* of all the committees, and has a right to vote therein.

Reports by committees.

**53.** The committees render account of their labors and their decisions by reports signed by their chairman or by a majority of the members who compose them.

Reports to be ratified by council.

No report or order whatever of a committee has any effect, until it has been ratified or adopted by the council.

Powers of council and committees in examining questions.

**54.** The council or its committees, on every question or matter pending before them, may :

1. Take communication of all documents or writings produced in evidence ;

2. Summon any person residing in the Province, on a warrant of the mayor or of the chairman of a committee ;

3. Examine under oath the parties and the witnesses produced by the parties, or any person summoned to appear, as aforesaid, in an inquiry into any matter of public interest within the jurisdiction of the council.

Witnesses to receive certain payments before being compelled to appear.

**55.** No one is bound to appear as a witness before the council or its committees unless his reasonable travelling expenses, for both going and coming, have been tendered or paid him, as well as compensation for loss of time,

which is fixed at fifty cents for every person who does not reside more than one mile outside the limits of the city.

**56.** Every person summoned as a witness before the council or its committees who, without just cause, fails to appear at the time and place mentioned in the summons, when the compensation mentioned in the preceding article has been paid or offered to him, shall incur a fine of not less than four nor more than six dollars, or imprisonment not to exceed fifteen days, except in the cases specially provided for by the following article.

Fine upon witness failing to appear after receiving money.

### § 3.—Investigations.

**57.** Whereas questions of fact may arise in matters before the council, or its committees, which the interests of justice require to be investigated by the examination of witnesses on oath, and otherwise; and it may also become necessary, in the like interest, to institute inquiries into the truth of representations made to the council respecting matters within its jurisdiction; in any such case, the committee before which any such question arises, or any committee appointed by the council to investigate the same or to make such inquiry, may issue a summons, signed by its chairman requiring any person to appear before such committee, for the purpose of giving evidence touching such question or inquiry, and, if judged expedient, to produce any papers or documents in his possession, or under his control, bearing upon such question or inquiry, or described in such summons;

Power of council and committees in investigations to require production of papers &c.

If any person so summoned neglects or refuses to appear at the time and place appointed by such summons, or, if appearing, he refuses to be examined on oath touching the said inquiry, or to obey any order to produce papers or documents mentioned in such summons, in so far as he is able to do, a return of the issue and service of such summons and of such default or refusal may be made to the mayor, who may thereupon compel the attendance of such person, and compel him to answer all lawful questions by the like means as are used for such purposes in the ordinary courts of civil jurisdiction in the Province of Quebec.

Persons refusing to appear, etc.

Every person, so neglecting or refusing to appear, or refusing to produce papers or be examined as aforesaid, shall, on conviction thereof before the recorder's court, be subject to the penalties prescribed by article 283.

Fine for not appearing and not producing papers when required.

The chairman of the committee is authorized to administer the oath to such witnesses.

Swearing of witnesses.

§ 4.—*Sessions of the council.*

Sessions  
where to be  
held.

**58.** The council has the right, by resolution, to determine the place, within the limits of the city, where its sessions shall be held.

Quorum.

The quorum of the council is fixed by article 37.

Opening of  
first meeting  
of council.

**59.** The first session of the council after the election is opened by the retiring mayor or, in his absence, by one of the old aldermen who leaves the chair as soon as the new mayor is elected and sworn, according to form A.

Monthly  
meetings of  
council,  
day and hour  
to be held.

**60.** The council meets at least once a month to despatch the business of the city and holds its sessions on the day and at the hour which it determines by by-law, in the city-hall.

Council to  
adjourn if one  
hour elapses  
after hour  
fixed before  
meeting  
opened.

**61.** No session of the council or committees can lawfully be held if more than one hour has elapsed from the hour fixed by the by-law, or by special notice calling the meeting, to the opening of the session.

Sessions pub-  
lic.

**62.** All the sessions of the council are public, except when the council has to judge any of its members for any reason whatsoever, in which case, at the request of the member inculpated or of two aldermen, it sits with closed doors.

Exception.

Council to sit  
with closed  
door when  
examining  
into conduct  
of officers or  
employees or  
when deciding  
as to licences  
for sale of  
liquor.  
Who presides  
over council.

**63.** The council also sits with closed doors at the request of two members, when it has to judge of the conduct of one of its officers or employees, or when it has tenders for public works or other objects before it, and when it has to decide upon granting licenses for the sale of intoxicating liquors.

Duties of pre-  
siding officer.

**64.** The sessions of the council are presided over by the mayor, or in default of the mayor by the pro-mayor, or, in default of both, by any member chosen from the aldermen present.

The presiding officer maintains order and decorum and decides questions of order, saving an appeal to the council.

Decision of  
questions.

**65.** Every disputed question is decided by a majority of the votes of the members present, except in cases where the votes of two-thirds of the members of the council or of the members present are required.

Voting by  
mayor or  
other presi-  
ng officer.

The mayor or pro-mayor or other councillor presiding may vote whenever a question is put to the vote; and, when the votes are equally divided, he also has a casting vote.

**66.** No member of a council can take part in the discussion of any question in which he has a personal interest, under this act, in case of contestation.

Members not to take part when interested in any question. Council to decide if member interested.

The council, in case of dispute, decides whether the member has or has not a personal interest in the question; and such member has no right to vote on the question of his interest, although he may explain why he should not be recusable.

**67.** If there be a quorum, any ordinary or special session may be adjourned by the council to any other hour of the same day, without its being necessary to give notice of the adjournment to members not present.

Adjournment of council if there is a quorum.

**68.** The council may, by by-law, compel the members of the council or of the committees to perform their duties, and impose fines on them for neglect or omission in the performance of their duties.

Members may be compelled to perform duties.

**69.** The council may, by by-law, determine the order in which its business shall be despatched.

Order of business.

**70.** The council may also pass by-laws for the maintenance of order during its sessions, and, by such by-laws, impose a fine not exceeding fifteen dollars or an imprisonment not exceeding fifteen days in default of payment, for any contempt by the persons present at the sessions.

Maintenance of order. Fine or imprisonment.

**71.** The mayor or presiding officer may give orders to expel from the council room, until the adjournment of the session, any member who shall persist in his reprehensible conduct after having been called to order.

Expulsion of disorderly member from sittings.

However, the order of expulsion cannot be given or executed unless a motion to that effect is adopted by, at least, three-fourths of the members present.

Motion required for expulsion.

Such motion is always in order and is moved and decided without debate.

Motion for expulsion always in order.

**72.** The mayor or the secretary may, if necessary, convene special sessions of the council.

Convening of special sessions.

Whenever two members shall desire to have a special session, they shall apply to the mayor to have one called, and, if the mayor be absent from the city or refuse to act, they may convene it themselves, by specifying, in a written document addressed to the secretary-treasurer, the object for which they convene the session, and the day and hour at which they wish to have it held.

Two members may require convening of special session.

The secretary-treasurer is bound, on receipt of such notification, to call the session and give notice

Duty of secretary on being required to convene.

thereof to all the members of the council other than those who convene it and mention the names of the latter.

Notice how given.

**73.** Every notice of the calling of a special session of the council is given by the secretary-treasurer, at least twenty-four hours before the time fixed for the session.

Business to be taken up at special sessions.

**74.** At a special session, the subjects or matters mentioned in the notice calling the council together can alone be taken into consideration.

Preliminary requirements.

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served upon all the members.

Closing of meeting if all members not notified.

If it appear that the notice of meeting has not been served on all the members, the session is immediately closed.

Minutes and signing thereof.

**75.** The minutes of the proceedings of meetings of the council are to be drawn up and entered in a book kept for that purpose, and are signed by the mayor or member presiding at such meetings; and they are open to the inspection of all rate-payers who wish to consult them.

Open to inspection.

Validity of extracts &c. from minutes, &c.

**76.** All extracts, from the book required to be kept by the preceding article, and all copies of entries therein, and generally, all certificates, deeds and papers, certified or signed by the mayor, and countersigned by the city clerk, and under the seal of the city, shall, in all courts of justice in the Province, be taken and received as *prima facie* evidence of the facts set forth in such extracts, copies, certificates, deeds and papers respectively.

#### SECTION V.

##### OFFICERS OF THE COUNCIL.

#### § 1.—*General Provisions.*

Appointment &c., of officers and their duties.

**77.** The council appoints such officers as it may think necessary for the execution of the powers vested in it by this act, and may prescribe and regulate by by-law the duties of such officers respectively, and, at its pleasure, remove any such officer, for cause, when such officer shall have been engaged for any term whatever and appoint another in his place; and may grant to the officers, salaries to be appointed, as aforesaid, such salary, or other compensation for their services it may think fit.

Salaries.

Oaths of office to be taken by certain offi.

**78.** After their appointment and before entering into office, the recorder, assistant recorder, municipal officers

or employees, constables, officers or men of the police force and other officials, shall take oath to well and faithfully perform the duties of their respective offices.

The omission during ten days to take such oath of office shall constitute a refusal to accept the office for which the oath is required.

Effect of omission to take.

**79.** The council may require of all persons employed by it, in any capacity whatsoever, such security as it may deem sufficient to secure the due execution by such persons of the duties which devolve on them.

Security may be required by council from employees.

**80.** The council may, by by-law, define the duties, not defined by this act, of its officers, employees, police officers and constables, and impose penalties or fines upon them for neglect in the performance of their duties.

Duties of officers, not defined by law may be defined by by-law, etc.

**81.** Whenever an act or proceeding must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in special cases otherwise provided for.

Majority may act, if anything to be done requires more than two.

**82.** Every municipal officer, who has ceased to discharge the duties of his office, is bound to deliver, within eight days next following, to the mayor, or at the office of the council, all the moneys, keys, books, papers, insignia, documents, archives and other things belonging to the council.

Retired officer to deliver up moneys, keys, &c.

**83.** If any municipal officer absents himself from the city or dies, his representatives or heirs are bound, within one month from his death or absence, to deliver to the mayor, or at the office of the council, the moneys, keys, books, papers, insignia, documents, archives and things belonging to the council, and which he had in charge in the execution of the office so held by him.

Representatives or heirs of officers bound to deliver moneys, keys, &c.

**84.** In the case of the two preceding articles, the council is entitled, in addition to any other legal recourse whatsoever, to recover, by process of revindication, from such officer or his representatives, all such moneys, keys, books, insignia, archives or things whatever, with costs and damages.

Council may seize such articles in revindication.

The council may exercise the same rights and obtain the same remedy against all other persons having in their possession, and refusing to deliver up such things.

Similar recourse against others having such articles.

**85.** In the exercise of its legal rights and recourse provided for in the preceding article, the council may conclude for coercive imprisonment, which may be ordered against the defendant who has been condemned.

Coercive imprisonment may be asked for.

Secretary-treasurer and other officers to report to council, &c.

**86.** The secretary-treasurer, and all other officers and employees of the corporation, are bound to give an accurate report in writing, and in the manner determined by the council, to the council or any authorized person, upon all matters connected with their respective duties, and to render an account of the moneys collected by them and of those expended or disbursed by them for the council and under its control, specifying the objects for which such moneys were so paid or disbursed.

Action to account may be taken.

**87.** The council may bring an action to render an account against any employee responsible for corporation moneys, and who shall, if need be, be condemned to render account, and to pay the sum which he is declared to owe, with interest and costs of suit.

Coercive imprisonment.

Every such judgment carries with it coercive imprisonment, and does not stay criminal proceedings for malversation, embezzlement or other offences.

Doors, &c., may be ordered to be opened in cases of seizure, &c.

**88.** The mayor or justice of the peace may, by a special written order signed by him, authorize any person charged with the execution in the city of a writ of seizure, arrest, summons or sale in municipal matters, either civil or criminal, to open the doors of the houses or buildings which he may find closed, or the entry whereof is refused him; and may also, in virtue of the same order, require the assistance of all such other persons as he may deem expedient; and the costs incurred upon such proceedings are levied in virtue of the same warrant or writ.

Resistance to seizure, &c., of moveables to be rebellion à la justice.

**89.** Whosoever refuses to allow any person, appointed to effect the seizure or sale of moveable property or effects contained in a house, to enter the same, is guilty of resistance to justice (*rebellion à la justice*) and may be condemned by the mayor or any justice of the peace to an imprisonment which shall not exceed thirty days.

#### § 2.—*Secretary-treasurer or city clerk.*

Keeper of office and archives.  
Name of officer.

**90.** The council shall always have an officer as keeper of its office and archives.

Such officer is styled the "secretary-treasurer," but the council may replace such name by that of "city clerk."

Archives of which he has the custody.

**91.** The secretary-treasurer shall be the keeper of all the books, registers, plans, maps, archives and other documents and papers, which are either the property of the council, or are produced, filed and preserved in the office of the council.

He can not divest himself of the custody of such archives, except with the permission of the council, or upon an order of a competent court.

**92.** He shall attend at all sessions of the council, and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose and called "register of proceedings." Attends sessions and draws up minutes. "Register of proceedings."

**93.** All minutes of the sittings of the council are signed by the president and countersigned by the secretary-treasurer. Signature to minutes.

**94.** Whenever a by-law or a resolution is amended or repealed, mention shall be made thereof in the margin of the register of proceedings, opposite such by-law or resolution, together with the date of the amendment or repeal. Entries to be made upon by-law or resolution amended.

**95.** The secretary-treasurer or treasurer collects and has charge of all moneys of the corporation. Secretary-treasurer collects, &c., moneys.

He deposits all the funds of the city, in a corporate bank, and they can not be withdrawn therefrom, except for municipal purposes, authorized by the council upon a cheque signed by the mayor and secretary-treasurer. Deposits funds in bank.

He can not pay out any of the funds of the city except upon an order of the council, and upon a written order signed by the mayor or two members of the finance committee. Order required before money is paid.

Such order, in the hands of the secretary-treasurer or treasurer, is *prima facie* evidence that the amount therein mentioned has been paid. Effect of order.

**96.** The secretary-treasurer or treasurer is bound to keep, in due and proper form, books of account, in which he enters, by order of date, each item of receipt and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has paid any. Books of account to be kept.

He keeps in his office all vouchers for expenditure. Vouchers.

**97.** No secretary-treasurer or treasurer can, under a penalty of twenty dollars for each infraction : Secretary-treasurer forbidden to :

1. Grant discharges to rate-payers or other persons indebted to the corporation for municipal dues or other debts, without having actually received in cash, or in lawful value, or in accepted bank cheques, the amount mentioned in such discharges ; Grant discharges without payment :

2. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whomsoever, moneys belonging to the corporation. Lend city moneys.

Secretary-treasurer's books open for inspection.

**98.** The secretary-treasurer's or treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his possession as archives of the council, are open for inspection and examination during office hours to all rate-payers of the municipality, or their attorneys.

Copies of books, &c., to be given to persons requiring same upon payment of fees.

**99.** The secretary-treasurer is bound to deliver, upon payment of the fees fixed by the council and payable to the municipal treasury, to any person applying for the same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives.

Copies, &c., authentic.

Such copies or extracts, when certified by the secretary-treasurer, are authentic.

Accounts in detail of receipts and expenditure to be rendered by secretary-treasurer.

**100.** The secretary-treasurer or treasurer is bound to render an account in detail of his receipts and expenditure whenever he is called upon by the council to do so, and to publish, every year, fifteen days before the elections, over his signature and that of the auditors, a report covering all the financial transactions of the corporation during the twelve months, from the first of January to the thirty-first of December, each year.

Interrogatories upon articulated facts and declarations as garnishee by whom made.

The secretary-treasurer, for and in the name of the city, may answer all interrogatories upon articulated facts served upon the corporation, and the treasurer thereof shall have power to make the declaration required by law, for and in the name of the corporation, as garnishee, without being thereto authorized by resolution of the council of the city for that purpose.

### § 3.—*Auditors.*

Appointment of auditors.

**101.** At the first session of the council after the annual elections, or as soon as possible at the commencement of the fiscal year, the council appoints two auditors, who are not members or officers of the council, and who have no contract or bargain therewith.

Auditors to audit books, &c.

**102.** The auditors, as often as the council may require, audit the receipts and expenditure of the secretary-treasurer or treasurer, who is bound to account, as well as all the financial operations of the council.

Annual report to council.

**103.** They are further bound to send an annual report to the council, at least five days before the date of the elections, under penalty of forfeiting their fees or indemnity, and without prejudice to the penalty incurred by them.

§ 4.—*Valuators.*

**104.** The council may appoint valuers or assessors, Appointment of valuers. whose powers, rights, duties and obligations are set forth in articles 515 and following.

## TITLE II.

## PERSONS QUALIFIED OR DISQUALIFIED FOR MUNICIPAL OFFICE.

## SECTION I.

## PERSONS QUALIFIED MUNICIPAL OFFICE.

**105.** Every male resident of full age in the city, not Qualifications for municipal office. declared disqualified by a provision of this act, shall be capable of discharging a municipal office therein.

## SECTION II.

## PERSONS DISQUALIFIED FOR MUNICIPAL OFFICE.

**106.** The following persons can not be elected mayor Disqualification for mayor or aldermen. or alderman nor perform the duties thereof; nor be appointed to or fill municipal offices :

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council ;
4. The judges or magistrates receiving emoluments from the Federal or Local Governments or from the city ;
5. Officers on full pay of Her Majesty's Army or Navy, and the officers or men of the police force ;
6. Keepers of taverns, hotels or houses of public entertainment, and persons who have acted as such within the preceding twelve months ;
7. Whosoever has no domicile or place of business in the city for at least one year previous to the election or nomination ;
8. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or who has directly or indirectly, by himself or his partner any contract with the corporation ;

Nevertheless a shareholder in any incorporated company, which has any contract or agreement with the corporation or which receives a bonus therefrom, is not disqualified from acting as a member of the council ; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company ;

9. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up, owing to involuntary error or omission ;

10. Whosoever cannot read or write fluently ; it shall not suffice that he can read print or write his name, or even do both ;

11. Aliens ;

12. The officer presiding at the election, or any person employed by the council or by such presiding officer in connection with an election ;

13. Any person convicted of treason or felony by any court of justice ;

14. Persons who are responsible for moneys belonging to the city, or who are sureties for any employee of the council.

Property qualification of aldermen and of valuers.

**107.** No one can be elected or appointed alderman or valuator, unless he possesss in the city for at least twelve months, as owner, under registered title deeds, real estate to the value of at least one thousand dollars for the office of alderman, and five hundred dollars for that of valuator, after deduction of all debts affecting such real estate, the value whereof shall be established according to the valuation roll in force.

Proof of hypothecary charges.

The production of the registrar's certificate shall be sufficient proof of the existence of such hypothecary charges.

Deposit of qualification.

**108.** Upon a written demand made by a member of the council, before the council, to the mayor or any alderman present, such mayor or alderman shall, within the eight days following, give in writing and under oath, and deposit in the office of the council, a declaration of qualification containing the description of the real estate in virtue of which he is qualified to sit.

Surety for secretary-treasurer or other officers not to be member of council.

**109.** No person, surety for any secretary-treasurer or for any municipal employee, can be a member of the council of which such secretary-treasurer is the officer, before he is freed from all obligations to the corporation arising from his bond as surety.

Person becoming disqualified while he holds office bound to give notice.

**110.** Whoever has been appointed to any municipal office for which he becomes disqualified during his exercise of such office, shall give, without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation

If notice not given.

Until such formality is accomplished, such person is to be deemed to have continued in the exercise of such office and is liable to all fines, prosecutions and other rights of action prescribed or authorized by this act.

**111.** If the disqualification of a person appointed to a municipal office is notorious or sufficiently established, the council may, by resolution, declare the office of such person vacant, saving any recourse on the part of the person appointed. If disqualification notorious.

The vacancy is then filled in the ordinary manner, and within the delay prescribed. Vacancy how filled.

### SECTION III.

#### PERSONS EXEMPT FROM MUNICIPAL OFFICE.

**112.** The following persons may be exempted from any municipal office :

1. Members of the Senate, of the House of Commons, of the Executive Council, and of the Provincial Legislature ; Persons who may be exempted from municipal office.
2. All civil functionaries, the employees of the Federal Parliament and of the Provincial Legislature, and militia officers ;
3. Licensed pilots, persons engaged in navigation, and millers ;
4. Persons of over sixty years of age ;
5. Gaolers and keepers of houses of confinement, of correction, or of reformatory schools ;
6. All persons employed on railways.

**113.** Any person, having discharged any office under the council during the two years next preceding, may refuse to accept any office whatever under the same council during the two years next after such service. Persons who have filled office already.

**114.** Any person, who is appointed to a municipal office from which he is exempt, must, in order to avail himself of such exemption, serve upon the secretary-treasurer a special notice to that effect, within the ten days following the notification of his election or appointment, or the day when he shall become exempt from filling such office, if he already fills one. How and when exemption can be claimed.

In default of his so doing, he may no longer claim his exemption. Effect of default to claim

### TITLE III.

#### MUNICIPAL NOTICES.

**115.** Every notice, given under the provisions of this act, of the orders of the council, or for municipal purposes, is drawn up, and published or served, in accordance with the formalities prescribed in the following articles. Notices how drawn up, and published or served.

**116.** Every notice is either special or public, and shall be given in writing or be printed. Notices and how given.

Public notices are published ; special notices are served.

Attestation of  
copies of  
notices.

**117.** Every copy of a notice which must be served, published or posted up, is attested, either by the person who gives such notice or by the secretary-treasurer.

Certificate of  
service or  
publication  
required.

**118.** The original of every notice shall be accompanied by a certificate of publication or of service, made by the person publishing or serving the same.

Deposit of  
original, etc.  
of notices.

The original of such notice and the certificate which accompanies it, are filed by the person who has given the notice in the office of the council, to form part of the municipal records.

How service  
of special no-  
tice is effect-  
ed.

**119.** Except in the case where the service is made by mail under article 121, the service of a special notice is effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile, or at his place of business, even when occupied by him in partnership with some other person, during ordinary business hours.

Agents may  
be appointed  
by absentee  
proprietors,  
&c

**120.** Every owner of land or rate-payer, domiciled without the limits of a municipality, may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

Powers of  
agent not to  
extend to  
voting for his  
principal.

Such agent, however, cannot represent his principal for the purposes of municipal elections, nor of voting on by-laws submitted, under articles 299 and following, for the approval of the electors who are proprietors.

Service of spe-  
cial notice  
upon agent.

**121.** The special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the municipality must be served on such agent.

If no agent  
appointed.

If an agent has not been appointed, the notice is served by lodging in the post office of the city a copy thereof, in a sealed and registered envelope, addressed to the absent proprietor or rate-payer.

Special notice  
need not be  
given to ab-  
sentee if  
agent not ap-  
pointed or  
address not  
given.

**122.** No one is bound to give a special notice to any absent proprietor or rate-payer who has not appointed an attorney or agent, unless such proprietor has made known his address in writing by filing the same in the office of the council.

When special  
notice may be  
served.

**123.** Special notices cannot be served, except upon juridical days and between the hours of seven in the morning and seven in the afternoon.

Service if  
doors of domi-  
cile closed, &c.

**124.** If the doors of the domicile or place of business, where service of a special notice should be made, are

closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of the domicile or place of business.

**125.** The intermediate delay, after special notice, runs from the day on which such notice was served, exclusive of such day and of Sundays. Computation of delays.

**126.** The publication of a public notice for municipal purposes is made by posting up a copy of such notice at least two different places fixed by the council. Publication of public notice how effected.

**127.** Public notices which have to be published in the newspapers, are inserted at least twice in one French newspaper and in an English newspaper of the city of Montreal. Publication in newspapers how effected.

**128.** Except in cases otherwise provided for, the intermediate delay after a public notice dates from the day on which such notice has been made public. Computation of delays upon public notice.

If it is ordered that the notice must be published in a newspaper, the intermediate delay dates from the day of the first insertion of such notice in the newspaper. Delays if published in a newspaper.

In all cases the day on which the notice was made public does not count. Day on which notice given not to count.

**129.** Public notices are applicable to and binding upon proprietors or rate-payers domiciled out of the city in the same manner as upon residents, except in cases of expropriation and other cases otherwise provided for. Public notices binding on all proprietors and rate-payers, &c.

**130.** Any person who acquiesces in that which is required by a notice, or who, in any manner, whatsoever, becomes sufficiently acquainted with its tenor or object, can not thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service. Effect of acquiescing in notice.

**131.** Any bailiff of the Superior Court or of the recorder's court may serve and post up any notification required by this act and make a return thereof under his oath of office. Who may serve notices.

#### TITLE IV.

##### MUNICIPAL ELECTORS—LIST OF ELECTORS—REVISION OF THE LIST.

###### SECTION I.

###### MUNICIPAL ELECTORS.

**132.** The following persons, being of the full age of twenty-one years, are entitled to be registered upon the Qualification of electors.

Voters. electors' list for any ward, and, when so registered, to vote at elections to be held under the provisions of this act, namely :

Proprietors. 1 Every male person entered on the last assessment roll, in force, as the owner of immoveable property in such ward, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ; if such immoveable property is owned by several persons *par indivis*, each of them shall be entitled to a vote in respect thereof, provided the proportion of the assessed value of the property, corresponding to his share thereof, amounts to a sum sufficient to qualify him as an elector under the provisions hereof ;

The husband of any woman under the law of separation as to property, when she is seized and possessed, as proprietor or usufructuary, of immoveable property, of the assessed value of three hundred dollars or more ; or where she does business or has a place of business, which renders her subject to the payment of the business tax ;

Widows and spinsters shall have the same rights, as to voting, as are conferred by this paragraph upon male persons who are proprietors, subject to the same condition.

Tenants. 2. Every citizen residing in the city whose name is entered on the last assessment roll in force as tenant of a house or part of a house in the ward for which such list is made of the assessed value of three hundred dollars and over or of the assessed annual value of thirty dollars or over.

Partners being tenants and occupants. 3. Every citizen, although not a proprietor or householder but who, either individually or jointly, as co-partner with any other person, is entered on the last assessment roll in force as the tenant or occupant of any warehouse, counting-house, shop, office or place of business in the city, provided that such warehouse, counting-house, shop, office or place of business, if occupied by the said person individually, be assessed at a value not less than three hundred dollars, or at an annual value of not less than thirty dollars ; or, if occupied by him as a co-partner, that his proportion or share thereof be not of less value than the amounts aforesaid respectively, according to the assessed value thereof.

Persons vote in ward where qualified. If in more than one ward. **133.** Persons entitled to vote, as aforesaid, vote in and for the particular ward in which the property constituting their qualification to vote is situated ; but when any such person is qualified, as owner, in more than one ward, or as the tenant or occupant in one ward, and at the same time as owner or householder in any other ward, he may vote for the election of aldermen in any or all of the wards wherein he is qualified so to do.

and he is inscribed in the electors' list for each of such wards.

**134.** No person qualified is entitled to vote at any election of alderman, unless he has, when he so exercises his right as elector, paid the amount of all taxes, assessments, and water rates (special assessments for local improvements excepted), that may then be due by him to the city. Taxes, &c., must be paid before voting.

In addition to the persons already deprived by this act of the right of voting at elections of aldermen, no salaried officer or employee of the corporation nor member of the police force or fire brigade of the city shall be qualified to vote at such elections. Salaried officers and employees of city and police and men of fire brigade not to vote.

#### SECTION II.

##### PREPARATION OF THE LIST OF ELECTORS.

**135.** Before the thirty-first day of December, in each year, the secretary-treasurer is bound to make for each ward of the city, from the last assessment roll then in force, an alphabetical list of the persons qualified to vote at elections under this act, to be called "The List of Electors," wherein he inserts the names and surnames of the electors, and their occupation, he also indicates in a separate column, the nature of the qualification of such electors, whether as owners, occupants or tenants. List of electors when to be prepared and what to contain.

**136.** In preparing the electors' list, the secretary-treasurer subdivides each ward into as many electoral districts as he deems convenient, each of such districts to contain two hundred electors or thereabout; he makes out, for each such electoral district, an alphabetical list of electors, which he signs, certifying that it is correct to the best of his knowledge and belief, and at any election held under this act, each of such electoral districts constitutes a polling district for such election. Subdivision of wards into electoral districts. Alphabetical list for each district.

**137.** After having drawn up such lists, and certified their accuracy at the foot thereof, the secretary-treasurer deposits them in the office of the council. Deposit of lists.

**138.** The secretary-treasurer is bound forthwith to give public notice, according to form B, stating that such lists are filed in his office, there to remain open to the examination of the parties interested or their representatives, during the ten days next after the date of such notice. Notice of deposit to be given.

## SECTION III

## REVISION OF THE LIST OF ELECTORS.

Complaints  
against list of  
electors by  
whom to be  
made.

**139.** In such space of ten days, any person having any ground of complaint in respect of such lists or of any one of them, personally or for another, may complain thereof, by giving to that end a written notice to the secretary-treasurer, specifying the grounds of his complaint.

Complaints to  
be made  
within certain  
time.

**140.** No application for the insertion of or striking of a name from such lists is accepted in the office of the secretary-treasurer, after four o'clock in the afternoon of the tenth day after the date of the notice mentioned in article 138.

Meeting of  
board of revis-  
ors to revise  
lists.

**141.** At seven in the evening of the last of the ten days mentioned in the previous article, a board of revisors, composed of three members of the council, previously appointed by the council for the purpose, or, in default of the council, by the mayor, proceed to the revision and amendment of the lists, in the office of the council.

Revisors to  
act under oath  
of office.

**142.** Such three revisors act together under their oath of office as members of the council, and under the chairmanship of one of them.

Secretary.

The secretary-treasurer acts as secretary of the revisors.

Appointment  
of others, if  
the revisors  
do not meet.

**143.** If the three revisors do not meet, the mayor may appoint others who shall meet on the following evening, and from day to day at the same hour and at the same place until the revision of the lists be completed.

If not revised  
secretary-  
treasurer to  
revise lists.

In default of the revision and completion of the lists, as aforesaid, the secretary-treasurer shall, under his oath of office, revise and complete the same before the election.

What com-  
plaints to be  
considered.

**144.** The board of revisors or the secretary-treasurer, as the case may be, shall take into consideration the written complaints only, hear the parties interested, examine them together with their witnesses, under oath, maintain the lists or make the necessary additions and corrections thereto.

Powers of  
revisors.

It may correct any errors and supply any accidental omissions made in such lists.

Swearing of  
parties and  
witnesses.

The oath is administered to the parties and their witnesses by the chairman of the revisors or by the secretary-treasurer, as the case may be.

Notice to be  
served upon  
party whose  
name is  
sought to be  
struck.

**145.** Every application for striking a name from the lists shall be served upon the party interested by a bailiff or constable, and a return of the service shall be filed

with the complaint before the revisors and shall mention the day and hour when and the place where the revisors shall consider such application.

**146.** The lists so revised are signed by the chairman of the board of revisors, countersigned by the secretary-treasurer, or signed only by the secretary-treasurer, as the case may be, according to form C. Signature to lists after revision.

**147.** Such lists, to the exclusion of all others, remain in force up to the entry into effect of the new lists drawn up in virtue of these provisions. How long lists remain in force.

## TITLE V.

### GENERAL ELECTIONS

#### SECTION I.

##### PRELIMINARY PROVISIONS.

**148.** The aldermen are elected for three years in each ward by the majority of the votes of the municipal elector of the ward. Term of office of aldermen and how elected.

**149.** The duties of the members of the council who go out of office cease at the opening of the first general or special session held after the annual elections. When duties cease.

**150.** The duties of the newly elected members commence from the moment they are sworn. When duties commence.

#### SECTION II.

##### DATE OF THE ELECTIONS.

**151.** The general elections are held annually in the month of January. When general elections are held.

**152.** The nomination of the candidates shall take place on the second Monday of January, between the hours of ten and eleven in the forenoon, in the office of the clerk in the city hall. Nomination of candidates.

**153.** When a poll is necessary, it is held on the third Monday of January from the hour of nine in the morning to five in the evening. Polling when held.

## SECTION III.

## HOLDING OF ELECTIONS.

§ 1.—*Convening the electors.*

Notice of  
nomination.

**154.** At least eight days before the nomination of candidates for the office of aldermen, public notice shall be given by the secretary-treasurer, announcing the hour and place of the nomination.

Effect of omis-  
sion of notice.

Fine on those  
responsible  
for omission.

**155.** The omission to give such public notice, does not prevent the meeting of the municipal electors from being held; but the persons who are bound and have neglected to give such notice, incur a fine of twenty dollars, payable to the corporation.

§ 2.—*Presiding officer and election clerk.*

Officer to pre-  
side.

**156.** The secretary-treasurer, *ex-officio*, presides at every municipal election.

Election  
clerk.

**157.** The presiding officer appoints an election clerk to assist him in the performance of his duties relative to the elections; and, if the presiding officer be absent or unable to act, the election clerk performs the duties of the presiding officer and is liable to the same fines.

Oath to be  
taken.

The election clerk makes oath to well and faithfully perform the duties of his office.

Oath of pre-  
siding officer.

**158.** The presiding officer acts, as such, under his oath of office as an officer of the council.

Powers as jus-  
tice of the  
peace.

**159.** He has the same powers as a justice of the peace, and may exercise the same throughout the municipality, from eight o'clock in the morning of the nomination day, until nine o'clock of the following morning if there be no poll.

In the contrary case, he may exercise the same until nine o'clock in the morning of the second day after the polling.

§ 3.—*Nomination of candidates and election by acclamation.*

Nomination of  
candidates  
how effected.

**160.** Each candidate is named and designated by his Christian name and surname, with his residence, profession or occupation, in a nomination paper (in the form D), which is signed by at least ten electors duly qualified under this act, and deposited in the hands of the officer presiding at the election on the day and between the hours aforesaid; and such nomination paper must be

Consent of  
candidate.

accompanied by the consent in writing of the person nominated, unless such person be absent from the city, in which case the nomination paper shall set forth such absence.

**161.** The nomination paper is also accompanied by an affidavit, (in the form E) sworn before the city clerk or a justice of the peace and setting forth :

Affidavit to accompany nomination paper.

1. That the deponent knows that the subscribers to the nomination paper, or at least ten among them, are electors entered as qualified to vote upon the voters' list in force in the city, or in the ward in which the election is to be held, (as the case may be) and that they signed the nomination paper in his presence ;

2. That the consent of the candidate was subscribed by him in the presence of the deponent, or that the candidate is absent from the city.

**162.** If only the number of candidates required to be elected are nominated in the manner aforesaid, for any of the said offices, they are *ipso facto* elected; and it is the duty of the officer presiding at the election to proclaim such election.

Election by acclamation.

**163.** If more than the required number of candidates are nominated for any one of the said offices, a poll shall be granted, and the election shall be proceeded with in the manner herein prescribed; provided that no person shall be voted for or elected, who has not been nominated in the manner aforesaid.

Polling if more candidates than vacancies.

**164.** The secretary-treasurer is bound to publish the names of the candidates nominated for each ward by means of a notice posted up on the door of his office in the city hall, from the nomination day to the polling day.

Publication of names of candidates nominated.

**165.** Every candidate nominated may, at any time before the closing of the poll, withdraw and resign, by filing with the officer presiding the election a written declaration to that effect, signed by such candidate, in the presence of two witnesses, who shall also sign the same ; and, in such case, it shall be the duty of the city clerk, on receiving such declaration, to make known such withdrawal by public notice ; if only one candidate for such office remains he shall thereupon proclaim such candidate to be duly elected ; and, in the latter case, all proceedings in connection with such election shall be discontinued.

Candidates may resign before close of poll and proceedings thereafter.

## SECTION IV.

## POLLING.

§ 1. — *Election of officers.*

Appointment  
of other elec-  
tion officers.

**166.** In addition to the presiding officer and election clerk, appointed under articles 157 and following, other election officers are appointed as hereinafter provided.

Deputy pre-  
siding-officer.

Poll clerk.

Both to be  
sworn.

**167.** The presiding officer shall appoint a deputy-presiding-officer for each ward in which a poll is to be held. He may also appoint a poll-clerk for each poll. (Form F.) Both these officers shall take the oath of office.

Presiding offi-  
cer serves  
gratuitously.  
Payment of  
deputy and  
poll-clerk.

**168.** The presiding officer performs his duties without remuneration.

The deputy-presiding-officers are paid four dollars and the poll-clerks two dollars.

Penalty for  
certain  
offences by  
deputy-pre-  
siding-officer  
and poll-  
clerk.

**169.** Every person acting as deputy-presiding-officer or poll-clerk at any poll, who infringes the provisions of this act by receiving and registering any vote which is declared inadmissible, incurs for each offence, a fine of one hundred dollars, and, in default of payment, an imprisonment of two months.

§ 2. — *Polls.*

Where polls to  
be establish-  
ed.

Location of  
polls to be  
published and  
posted up.

**170.** Polls shall be established in each ward where an election is to be held.

The presiding officer shall, in due time, select the places required for the purpose of establishing polls therein, and shall be bound to indicate and make known the same by means of a public notice, published and posted up on the door of the poll, at least three days before the voting and in the office of the corporation.

Where elec-  
tors may vote.

If qualified in  
more than  
one ward.

**171.** Electors can only vote at the poll of the ward in which they are qualified as such.

If an elector is qualified to vote in more than one ward, he may vote for the election of aldermen, in each ward wherein he is so qualified.

Penalty for  
voting more  
than once.

**172.** Every municipal elector, who votes more than once at the election of the alderman for each ward wherein he is qualified to vote, incurs, for each offence, a fine of twenty dollars or an imprisonment of two months.

Proof of qual-  
ification.

**173.** In all cases, the qualification required of electors is established by the list of electors, and, if there be no such list, by the valuation and assessment rolls.

The electors must, however, have paid all municipal dues, as required by this act. Taxes must however be paid.

**174.** Within two days after the final addition of the votes, the presiding officer is bound to give special notice of his election to each member of the council who has been elected. Special notice to members elected.

**175.** The absence of such notice has not the effect of invalidating the election, nor of preventing the member elect from taking his seat. Effect of absence of notice.

**176.** When a person has been elected alderman for more than one ward, he must, within the same delay, declare what ward he intends to represent; and, in default of his so doing, the council declares which of such wards such person shall represent as alderman, and thereupon he is deemed to have been elected for such ward. Option, if person elected for more than once ward.

In either of the two above cases, the office, which has been given up by the candidate, becomes *ipso facto* vacant, and the vacancy is filled by the council as soon as possible at a regular session, Vacancy so caused how filled.

**177.** Within two days next after the close of the election, the presiding officer draws up a faithful report of his proceedings, and forwards it to the office of the council, together with the original notice to the candidates elected, the certificates, poll books and other papers which he has in his possession as presiding officer of the election. Report of proceedings at election to be sent to office of council.

Such various documents are certified as correct by him and form part of the archives of the council. Documents to form part of archives.

The election expenses are paid by the corporation. Expenses of elections.

### § 3 — *Good order at elections.*

**178.** In addition to the powers conferred upon the presiding officer by article 159 of this act, he has, for the purpose of maintaining peace and good order, the right and power to swear in as many special constables as he may deem advisable. Appointment of special constables.

**179.** The presiding officer or presiding officers may, for the same purpose, by a verbal or written order, require the assistance of any justice of the peace, constable or other persons residing in the city. Assistance may be required from justices of the peace, etc.

**180.** Every house or shop within the city, licensed for the sale of spirituous or fermented liquors, must be closed during the whole time the polls are open and for two hours after they are closed, under penalty of a fine of one Close of liquor shops etc., during elections. Penalty if not closed.

hundred dollars, or three months imprisonment in default of payment, against any person keeping such house or shop open.

Penalty for sale or gift of liquors during elections.

Whosoever sells or gives spirituous or fermented liquors, during the election, is liable to the same penalty.

§ 4.—*Cases when the elections are not held on the day appointed.*

Proceedings if elections do not take place at time required.

**181.** If it happen that the annual general elections do not take place at the time specified in this act, it is the duty of the aldermen, who do not retire from office, or the majority thereof, to assemble, without delay, to fix the days on which the nomination and holding of the poll shall be held.

Notice before nomination.

The days so fixed must be the soonest possible, and public notice of the election is given three clear days before the nomination.

Penalty on aldermen not complying with preceding article.

**182.** If, within fifteen days next after that on which the general elections should have taken place, the aldermen who do not retire from office have not complied with the preceding article, they and each of them are liable to a fine not exceeding twenty dollars.

Mayor's duty in such case.

In such latter case, it is the duty of the mayor in office, under a penalty of one hundred dollars, to fix the days of the election and to give the notice required by the preceding article.

Power of Lieutenant-Governor if mayor does not act.

**183.** In default of the mayor acting as mentioned in the preceding article, the Lieutenant-Governor may name a person and direct him to do what is required of such mayor.

SECTION V.

BALLOT.

§ 1.—*Preliminary formalities.*

List of electors to be supplied to each deputy-presiding-officer and a ballot box.

**184.** When a poll is necessary for the election of an alderman, the presiding officer shall, at least two days before the voting, give to each of the deputy-presiding-officers the list, or a copy of the list of the electors who are entitled to vote at the polls for which the deputy-presiding-officers are appointed, and deliver to each of them a ballot box to receive the ballot papers of the electors.

Ballot box how to be also furnished.

**185.** Such ballot box shall be made of durable material, with lock and key, and a slit or narrow opening in the top, and so constructed that the ballot paper may be

introduced therein, but cannot be withdrawn therefrom, without opening the box.

**186.** The returning-officer shall also furnish the deputy-presiding-officer, of each ward, with a sufficient number of ballot papers to supply the number of electors entitled to vote at the poll for such ward, and with the necessary materials for voters to mark their ballot papers.

Ballot papers to be also furnished. client.

All ballot papers shall be of the same description for each ward.

All ballot papers to be alike.

**187.** The ballot paper of each elector consists of a printed paper, with an annex, without a line to the right of the names, specifying the names and description of the candidates, alphabetically arranged in the order of their surnames, or if there be several candidates with the same surname, in the order of their Christian names.

Description of ballot paper.

**188.** The names and description of each candidate are set forth on the ballot paper, as they have been set forth on the nomination paper.

Order of names on ballot paper.

**189.** Whenever, at any election, the electors are required to vote for more than one member of the council, there shall be a ballot paper for each member.

Ballot paper for each if more than one to be elected.

The ballot papers for the election are printed on white paper.

Color of ballot papers.

**190.** Every elector receives from the deputy-presiding-officer, for the ward in which he is to vote, as many ballot papers as he has votes to give; and every such elector, after marking his vote, in the manner hereinafter prescribed, upon each ballot paper, hands them all together and folded separately to the said deputy-presiding-officer.

Number of ballots to be given to elector and how he shall proceed to vote.

**191.** The presiding officer shall also furnish to each deputy-presiding-officer, at least ten copies of printed directions for the guidance of voters in voting.

Directions for guidance of voters to be also supplied

The deputy-presiding-officer, on the day of the voting, at or before the opening of the poll, causes copies of such directions to be posted up in some conspicuous place outside of the poll and also in each compartment of the poll.

Posting up of copies on day of polling.

The presiding officer must also deliver to each of the deputy-presiding-officers a book, drawn up according to Form F F, in which the names of the persons who vote at the election are to be entered.

Poll book to be also delivered.

**192.** The deputy-presiding-officer and the poll-clerk respectively, take the oaths prescribed for them.

Oaths of deputy-presiding-officer and poll-clerk.

The deputy-presiding-officer may take such oath before the poll clerk.

Oaths to be annexed to certain statement.

The said oaths are annexed to the statement mentioned in article 228.

##   2.—Voting

Where voting takes place.

**193.** The voting takes place for each of the wards where a poll is to be held at the place determined by the presiding officer for the election, as aforesaid, in a room or building of convenient access, with a door for the admittance of the electors, and having, if possible, another door through which they may leave, after having voted.

Compartments in voting room.

**194.** One or two compartments shall be made within the room, so arranged that each elector may be screened from observation, and may, without intimidation, interference or interruption, from any person whomsoever, mark his ballot papers.

Who may remain in poll.

**195.** In addition to the deputy-presiding-officer and the poll clerk, no person, other than the candidates and their agents, not exceeding two in number for each candidate, is permitted to remain in the room where the votes are given, during the whole time the poll remains open.

If candidates have no representatives, &c.

In the absence of agents or representatives of any candidate, two electors may, on their application to such effect, represent such candidate.

Oath to be taken by agents or representatives.

**196.** The agents or representatives of each candidate make oath, before the presiding officer or deputy-presiding-officer, to keep secret the names of the candidates for whom the electors may mark their ballot papers in their presence.

Opening of ballot box before voting.

**197.** At the hour fixed for opening the poll, the deputy-presiding-officer and the poll clerk, in the presence of the candidates, their agents, or the electors present, open the ballot box, and ascertain that there are no ballots or other papers in the same.

Locking thereafter.

The box is then at once locked, and the deputy-presiding-officer keeps the key thereof.

Commencement of voting.

**198.** Immediately after the box has been locked the deputy-presiding-officer calls upon the electors to vote, and it is his duty to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested in or about the poll.

Manner of voting.

**199.** Each elector, being introduced, one at a time for each compartment, into the room where the poll is held,

declares his name, surname and occupation which are at once recorded in a poll book, to be kept for that purpose in the usual form or such form as the council may adopt, by the deputy-presiding-officer or poll clerk.

**200.** If such name be found on the list of electors for such ward, the elector receives from the deputy-presiding-officer a ballot paper for each vote he has to give, on the back of which such deputy-presiding-officer has previously put his initials, and on the annex whereof, a number corresponding to that opposite the elector's name on the poll book.

Ballot paper  
to be given if  
name on list.

**201.** Any candidate or his representative may, when the vote is tendered, require the production of the receipt of the secretary-treasurer of the city establishing the payment, by the person who so presents himself to vote, of all the taxes due by him under article 502 ; and, if such person has lost his receipt, he must produce a certificate, which the secretary-treasurer is bound to give him for the purpose of voting, establishing that he has paid such taxes within the time above-mentioned ; and, in default of producing such receipt, or certificate, such person cannot vote at the election.

Receipt for  
payment of  
taxes may be  
required, &c.

**202.** The deputy-presiding-officer at each poll or his clerk shall, if thereunto required by a candidate or his representative, or by an elector, tender to any person who presents himself and asks for a ballot paper the following oath or affirmation :

Oath to per-  
sons requiring  
to vote.

" You swear (or affirm) that you are a subject of Her Majesty ;

" That you are of the full age of twenty-one years ;

" That your name is the same as that entered on the assessment roll (or on the municipal electors' list if there be one ; )

" That you have a right to vote at this election ;

" That you have not voted before for the office or offices to be filled at this election ;

" That you have not been guilty of any corrupt practice which disqualifies you from voting at this election ;

" That all your municipal assessments, taxes and dues are paid ;

" That you have not received or been promised anything for yours self, either through your wife or through any member of your family, or any of your friends, either directly or indirectly, to induce you to vote at this election, and that you have not already voted at this election ;

"That you have not acted nor intend to act in the interest of any candidate at this election, either as paid carter or paid canvasser, with a view of obtaining anything for your trouble : So help you God."

Ballot paper  
not to be  
given if oath  
refused, &c.

**203.** No ballot paper shall be given by the deputy-presiding-officer to any elector who has refused to take the oath or affirmation mentioned in the preceding article, when thereunto required, or who, having taken the same, does not answer in the manner prescribed ; nor can he be allowed to present himself again to vote at the same election.

Oath put by  
deputy-presi-  
ding-officer,  
if he thinks  
elector has  
already voted,  
&c.

**204.** Whenever any deputy-presiding-officer has reason to know or believe that any person presenting himself to vote, has already voted at the election, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such deputy-presiding-officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law.

Marking of  
ballot by  
elector, &c.

**205.** The elector, on receiving the ballot paper, forthwith proceeds into one of the compartments of the poll, and there marks his ballot paper, making a cross with a black lead pencil, opposite the name of the candidate for whom he intends to vote, after which he folds it up so as to conceal his mark and hands it to the deputy-presiding-officer.

Examination  
and deposit of  
ballot in box,  
&c.

**206.** Such officer shall ascertain by examination of his initials and of the number, without unfolding the same, that such ballot paper is the same supplied by him to the voter, and, after having detached and destroyed the annex, he immediately, and in the presence of the voter, places the same in the ballot box.

Entries to be  
made in poll  
book.

**207.** The poll clerk shall enter in the poll book, opposite the name of each elector presenting himself to vote, and in the order in which they present themselves :

1. The word "voted," as soon as the elector's ballot paper shall have been deposited in the ballot box ;

2. The word "sworn" or "affirmed," if the elector has taken the oath or affirmation ;

3. The words "refused to be sworn" or "refused to affirm," if the elector has refused to take the oath or affirmation ;

Entries on list  
of electors.

4. And designate, by a special mark on the list of electors, the names of those who have voted.

**208.** The deputy-presiding-officer, on application of any elector who is unable to read or write, or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall assist such elector who shall declare his incapacity, as aforesaid, under oath to be taken before the deputy-presiding-officer or his representative :

1. By marking his ballot paper, in favor of the candidate mentioned by such elector in the presence only of the agents or sworn electors as the case may be, and

2. By placing such ballot paper in the ballot box.

Whenever a ballot paper has been prepared in conformity with this article, mention of the fact is made in the poll book opposite to the name of the elector.

**209.** If an elector has inadvertently marked, spoiled or torn the ballot paper given him, in such manner that it cannot be conveniently used, he may, on delivering the same to the deputy-presiding-officer, obtain another ballot paper.

**210.** The elector who presents himself at the poll, on applying therefor, is given the number of ballot papers required, but he can not repeat his request for the purpose of obtaining ballot papers separately, after having withdrawn with a single ballot paper or upon an objection already entered in the poll-book against his request.

**211.** If a person, representing himself to be a particular elector named on the list of electors, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath specified in article 202, is entitled to vote as any other elector.

Mention is made in the poll-book of the fact, as well as of the oath taken by such elector, as well as of any objections made to such vote by entering the name of the candidate on whose behalf such objections have been raised.

**212.** Whenever the deputy-presiding-officer does not understand the language spoken by any elector claiming to vote, he swears an interpreter.

**213.** Every elector must vote without undue delay, and quit the poll as soon as his ballot paper or ballot papers have been put into the ballot box.

**214.** No elector shall be allowed to take his ballot papers out of the poll, under the penalty of being *ipso facto* deprived of his right to vote, and, further, of incurring a penalty not exceeding one hundred dollars, or imprisonment not exceeding three months in default of payment.

Ballots not to be displayed, after being marked.

**215.** No person shall, directly or indirectly, induce any elector to display his ballot paper or papers after he has marked the same, so as to make known the name of the candidate for or against whom he has so marked his ballot paper.

Voters not to be interfered with, etc.

**216.** With the exception of the case of article 208, no person shall interfere with, or attempt to interfere with a elector when preparing his ballot paper, or otherwise make any attempt to obtain, at the poll, information as to the name of the candidate for whom any elector at such poll is about to vote or has voted.

Every person shall aid in maintaining secrecy. Information not to be given.

**217.** Every election officer, candidate, agent and elector, in attendance at a poll, shall maintain and aid in maintaining the secrecy of the voting at such poll.

None of such persons shall communicate, before the poll is closed, any information as to whether any person on the list of electors has or has not applied for a ballot paper, or voted, at that poll.

No one to communicate any information as to name of candidate for whom elector has voted, &c.

**218.** No election officer, candidate, agent, elector or other person, shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted.

Penalty for contravention of 4 preceding articles.

**219.** Whoever acts in contravention of any of the provisions of the four preceding articles is liable to a penalty not exceeding one hundred dollars, or imprisonment not exceeding three months, in default of payment.

Penalty for putting papers in ballot box fraudulently.

**220.** Whoever fraudulently puts or attempts to put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in, incurs, for each offence, a penalty of two hundred dollars, or imprisonment for six months in default of payment.

Persons need not declare for whom they have voted.

**221.** No person can, in any legal proceeding, be required to state for whom he has voted at any municipal election.

Arrest of persons attempting to vote in place of another, &c.

**222.** Every person, who, at an election for alderman of the said city, shall illegally endeavor to vote or who shall vote for and instead of another elector, shall be arrested, on view, by one of the deputy-presiding-officers or by any justice of the peace in the said city, or by any other peace officer or constable present at such election or on warrant issued by any justice of the peace; and the person so arrested shall be taken to and kept in safe keeping or confined in the common gaol of the district of Montreal until the end or

Imprisonment.

close of the election, and until good and sufficient security be given that such person so arrested shall appear and answer to the charge to be preferred against him in that respect, before the recorder's court or before a justice of the peace; and every such person shall, upon conviction of the offence aforesaid, incur and pay a fine not exceeding one hundred dollars and, in default of immediate payment, shall be liable to an imprisonment not exceeding three months in the common gaol, for each and every such offence, unless the said fine be previously paid.

Fine upon conviction

§ 3.—*Counting the ballot papers.*

**223.** Immediately after the close of the poll, which is at four o'clock in the afternoon, the deputy-presiding-officer, in the voting room, and in presence of the poll clerk and of the candidates or their agents, or in the absence of any one of the candidates or their agents, in the presence of at least three electors, opens the box containing the ballot papers, and proceeds to count the number of votes given for each candidate.

When, where and by whom ballots are to be counted.

**224.** The deputy-presiding-officer, on reading, and counting the ballot papers, shall reject :

Duty of deputy-presiding-officer in counting ballot papers;

1. All ballot papers which are not similar to those supplied by him;

2. All ballot papers by which more than one vote has been given;

3. All those upon which there is any writing, mark, or indication by which the voter could be identified.

**225.** After the other ballot papers have been counted, and a list made of the number of votes given to each candidate, and of the number of ballot papers rejected, all the ballot papers indicating the votes for each candidate are put into separate sealed envelopes or parcels; those rejected are also put into a different sealed envelope or parcel.

Ballots to be packed up.

All these parcels, after having been endorsed, so as to indicate their contents, are put back into the ballot box.

Endorsed and placed in ballot box.

Within one hour from the closing of the poll, the deputy-presiding-officer shall make a report to the presiding officer, stating the number of the votes given to each candidate and the number of ballot papers rejected.

Report to presiding officer.

**226.** The deputy-presiding-officer shall take a note of any objection, made by any candidate, his agent or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

Objections made to be decided by deputy-presiding-officer

Decision to be final. His decision is final, and can only be reversed on petition, questioning the election or return.

Objection to be numbered. Each objection is numbered, and a corresponding number placed on the back of the ballot paper and initialed by the deputy-presiding-officer.

Statement to be made by deputy-presiding-officer. **227.** The deputy-presiding-officer shall make out a statement indicating the number of the :

1. Accepted ballot papers ;
2. Votes given to each candidate ;
3. Rejected ballot papers ;
4. Spoiled and returned ballot papers, and
5. Ballot papers which have not been used, and which are returned by him.

Original to be placed in box. He makes and keeps a copy of such statement and encloses the original in the ballot box.

Other documents to be placed in ballot box. **228.** He also places in the ballot box all lists of electors used by him, after having written, at the foot of each of such lists, a statement certifying the total number of electors who voted on such list.

The poll-book, his commission, that of the poll-clerk, their oaths of office, the unused ballot papers, and all other lists or documents that may have been used or required at such election, are also placed by the deputy-presiding-officer in the ballot box.

Ballot box to be locked and returned to presiding officer. **229.** The ballot box is then locked and sealed, and returned to the presiding officer, or to his assistant

Ballot box may be delivered to messenger. **230.** If either of these officers be unable to receive or collect the ballot boxes, such boxes are delivered to one or more persons specially appointed for that purpose by the presiding officer.

Oath to be taken by such persons. Such persons, on delivering the ballot boxes to the presiding officer, shall take the oath given in a form prepared by the council.

Certificate to be given of number of votes given, &c. **231.** The deputy-presiding-officer, on being requested so to do, delivers *gratis* to each candidate, or his agents, or in their absence to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Secrecy to be maintained at voting. **232.** Every election officer, candidate, agent or elector, in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

No information to be given. None of such persons shall attempt to ascertain, at such counting, the name of the voter whose vote is given in any particular ballot paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Whosoever acts in contravention of any provision of this article is punishable by a penalty not exceeding fifty dollars, or an imprisonment not exceeding one month, in default of payment. Penalty for infractions.

§ 4.—*Close of the election.*

**233.** On the day following the election, at the hour of ten in the forenoon, the presiding officer, in the office of the corporation at the city hall, opens the ballot-boxes in the presence of two witnesses, as also in the presence of the candidates, or their respective agents, if they are present, and ascertains the number of votes given at the polls for each candidate, from the statements found in the several ballot-boxes returned by the deputy-presiding-officers. When and where and by whom all the ballot boxes are to be opened.

**234.** After the final counting of the votes, the presiding officer shall declare and proclaim elected the candidate for the office of alderman who has received the greatest number of votes in the ward. Proclamation of persons elected.

Such declaration is filed in the office of the council and forms part of the archives. Where filed.

**235.** After the final counting of the votes, the secretary-treasurer wraps up all the documents and ballot papers in a single parcel, which he seals and keeps in the office of the council for at least forty days; after the expiration of such delay he may destroy what is not required, if there be no contestation of the election. Documents, &c., to be wrapped up, and kept for forty days, &c.

**236.** If the ballot boxes, or any of them, have been destroyed, lost, or are not forthcoming, the presiding officer forthwith ascertains the cause of the disappearance of such ballot boxes and procures from the deputy-presiding-officer whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies of those documents. If ballot boxes are destroyed or lost, proceedings by presiding officer to recover lists, &c.

Each of such documents is verified on oath taken before the presiding officer.

**237.** If, in the case of the preceding article, the lists, statements, certificates, or copies thereof, cannot be obtained, the presiding officer shall ascertain, by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot boxes are missing. If lists, &c., cannot be found, how number of votes to be ascertained.

In case the presiding officer cannot ascertain to his satisfaction who has been elected, the council at its first session, appoints one of the two candidates to the office, and the proceedings of the election for such office are void. If presiding officer not satisfied as to who is elected council may appoint one of candidates.

Special return  
respecting  
disappearance  
of boxes, &c.

**238.** In the case of the two preceding articles, the presiding officer shall state in his return the circumstances attending the disappearance of the boxes, and the means adopted by him to establish the number of votes polled for each candidate.

Declaration of  
election of  
candidates.

**239.** The candidate who, on the final summing up of the votes, is found to have a majority of votes, is then declared elected.

Council to de-  
cide if votes  
are equal.

**240.** When the votes are equal for one of the said offices of aldermen, the council shall decide which person is elected.

#### § 5.—*Final provision.*

Power of  
council by  
by-law to  
make forms  
and modify  
details, but  
not to affect  
principle of  
election by  
ballot.

**241.** The council may, by by-law, make all forms or schedules, and modify the details of the proceedings in the manner of conducting elections and receiving ballot papers, provided that, in so doing, it does not adopt provisions inconsistent with the principle of elections by ballot.

### TITLE VI.

#### VACANCIES IN THE OFFICE OF MAYOR OR ALDERMAN.

Vacancy in  
office of  
mayor or  
alderman.

**242.** There is a vacancy in the office of mayor or alderman in each of the following cases :

1. In case of death ;
2. In case of an election being set aside ;
3. In the case provided by article 111 ;
4. In the case of absence from the sessions of the council and of its committees for over two consecutive months ;
5. In the case of absence from the city for over two months, without the permission of the council ;
6. In the case of the election of a person who is not eligible ;
7. In the case of a written resignation and the acceptance of such resignation by the council ;
8. When a member of the council has refused to accept or to continue to occupy the office ;
9. When a member of the council no longer has his residence or place of business in the city ;
10. When a member of the council has become incapable, after his election, owing to one of the incapacities enacted by law and has complied with article 110 ;
11. When a member of the council is exempt from office when elected, or becomes exempt while in office, provided he complies with article 110 ;
12. When a member of the council has made an assignment of his property on account of insolvency, or has

been declared bankrupt, or has applied to obtain the benefit of any law respecting insolvency ;

13. When a member of the council is unable to act for two consecutive months, on account of illness, infirmity or any other cause.

**243.** If the seven aldermen remain in office, the election of the new mayor takes place at the first session of the council held after such vacancy has occurred, under article 38 of this act. Election of mayor if seven councillors remain.

If, on the contrary, there are vacancies in the office of alderman, the election shall take place only at the first session of the council held after all the vacancies in the office of alderman are filled. If vacancies in office of alderman.

**244.** If the appointment of the new mayor is not made at the date set forth in the preceding article, it may be made by the Lieutenant-Governor according to the usual rules. Appointment by Lieutenant-Governor in certain event.

**245.** The mayor remains in office from the moment he takes the oath of office until the appointment of his successor. Term of office of mayor.

**246.** Any member who refuses to accept or to continue to fill the office to which he has been elected in the council, or who has been unable to perform the duties of such office for two consecutive months on account of absence, illness, infirmity or other cause, may always, if the vacancy caused by his refusal or inability to act, has not been filled, resume and exercise his office, provided he is still able to do so, without prejudice, however, to the costs of the proceedings against him. Certain persons may resume office after refusal, if vacancy not filled.

**247.** When a vacancy occurs in the office of mayor or alderman, the council shall, at its first regular session or at a special session, fill the vacancy, by resolution, either by some member, if the office of mayor be vacant, or, if the office of alderman, by selecting one from the persons in the city who may be qualified therefor. Vacancies in the office of mayor and alderman how filled.

**248.** In any case, the mayor or alderman elected or appointed in the place of another remains in office, only for the remainder of the period for which his predecessor was elected. Term of office, &c., of person so appointed.

**249.** Notwithstanding any vacancy in the council, the members who remain in office continue to exercise their powers and to perform their duties as such, and if there be more than three vacancies, the majority of the remaining members constitute a quorum. Notwithstanding vacancies, remaining members continue to perform duties. Quorum.

## TITLE VII.

## RECOUNT BY A JUDGE.

When recount  
may be ap-  
plied for.

**250.** Within the ten days following the election, one of the candidates or five qualified electors may apply for a recount.

Petition for  
such purpose  
and affidavit  
in support.

**251.** Such application is made to the judge of the Superior Court for the district, by means of a petition accompanied by an affidavit made by a credible person to the effect that such person believes that, when the ballots were counted, one of the deputy-presiding-officers or his poll clerk, improperly counted the ballots or rejected some ballot papers or added up the votes incorrectly.

Notice to be  
given to can-  
didates, &c.

**252.** The judge before whom the petition is brought, gives notice to the candidates of the day and hour at which he will proceed to recount the votes, and he summons the presiding-officer and election clerk to appear before him and orders them to have with them and produce the poll-books, electors' lists, and the packages containing the ballot-papers used at the election.

Proceedings  
at recount.

**253.** The judge proceeds, summarily, to the recount ; in recounting the votes, he corrects the original addition if need be, and confirms and declares who is really elected or annuls the election, as the case may be.

Recount ex-  
cludes other  
contestation.

**254.** The application for recount, as aforesaid, excludes all other methods of contestation.

Decision final.

The decision of the judge on such application is final and without appeal.

## TITLE VIII.

## CONTESTATION OF MUNICIPAL ELECTIONS.

## SECTION I.

## GROUNDS FOR CONTESTATION.

Who may con-  
test election  
and upon  
what grounds.

**255.** Any election of a member of the council may be contested by any candidate or by five qualified electors on the ground of violence, corruption, fraud, or incapacity, of insufficiency of votes or the non-observance of essential formalities.

## SECTION II.

## PROCEDURE.

§ 1.—*General Provisions.*

**256.** The Circuit Court of the district of Montreal or a judge shall take cognizance of such contestation, and the costs are taxed accordingly, as in non-appealable cases, notwithstanding the provisions of the following article, the effect of which is only to accelerate the procedure.

**257.** The contestation is tried and decided summarily. The evidence is taken orally.

If the court or judge so orders, the whole or a portion of the evidence may be taken down in writing.

§ 2.—*Petition to set aside the election.*

**258.** Such contestation is to be made by a petition signed and sworn to by the petitioner or petitioners, in which are set forth the facts and reasons alleged in support of the contestation.

The petitioners may also, in their petition, indicate the persons who have a right to the office in question, and state the facts necessary to establish such right and pray that they be placed in possession of such office.

**259.** A copy of the petition, with a notice stating the day on which it will be presented, shall be served upon and left with each member of the council whose election is contested, within fifteen days from the date of such election; otherwise the right of contesting shall be forfeited.

**260.** No such petition can be presented or received after the thirty days following the date on which the contested election was held.

§ 3.—*Security.*

**261.** The petitioners shall give security for the costs before the service of the petition; otherwise, such petition cannot be received by the court.

**262.** The security required by the foregoing article is put in before the clerk of the Circuit Court. The sureties must be owners of real estate of the total value of two hundred dollars, over and above any incumbrances there may be on such property.

One surety suffices.

The security may be given by means of a deposit of an equivalent amount of money or securities in the hands of the clerk in his office or sitting of the court.

§ 4.—*Return of the petition and trial.*

Presentation  
of petition.

**263.** The petition is presented in open court, or to a judge in chambers, together with the returns of the preliminary services.

If judge be  
absent.

If the petition must be presented to a judge in chambers, and if the judge be absent, it may be filed in the office of the clerk of the Circuit Court.

If petition  
alleges  
defects of  
form, etc.

**264.** If any defects or irregularities in the formalities prescribed for the election are alleged in the petition as ground for setting the election aside, the court may admit or reject such grounds according as they may or may not essentially affect the election.

If allegations  
sufficient,  
proof and  
hearing to be  
ordered.

**265.** If the court or the judge, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it orders proof to be adduced and the parties interested to be heard, on the day it deems the most convenient.

§ 5.—*Judgment and incidental proceedings.*

Power of  
judge on con-  
testation.

**266.** The court or the judge by his judgment may confirm or annul the election, or declare that another person has been duly elected.

Costs and  
their recov-  
ery.

**267.** The court or the judge may condemn either of the parties to pay the costs of the contestation.

Such costs are recoverable, as well against the parties to the suit as against their sureties, and all other persons who may be condemned to costs.

The judgment, in so far as regards the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them.

If necessary  
to examine  
poll-books &c.

**268.** If, in consequence of the contestations raised in connection with such petition, it should become necessary to verify the addition, examine or otherwise dispose of the poll-books used in the election and other documents connected therewith, or to examine the officers who superintended the election or acted therein in any capacity, the court or judge has the same jurisdiction, power and authority as any court or judge in this Province in similar cases.

**269.** If it be proved during the contestation that a person, other than the defendant, has contributed by any means to render such election null, the court may condemn such person, or any others who may have contributed thereto, to pay the whole or a portion of the costs.

If any person, other than the defendant, contributed to render election null, to be not condemned in costs.

**270.** The court may order that its judgment, if it annul the election, be served, at the expense of the party against whom the judgment has been given, at the office of the council.

Service of judgment may be ordered.

**271.** If the trial of the contestation is not concluded at the close of the term of the court at which the petition was presented, the sitting judge shall continue it without interruption during vacation, adjourning from day to day until he delivers his final judgment upon the merits of the contestation.

Continuation of trial after close of term.

If the petition has been presented in chambers, the judge continues the case from day to day until his judgment has been rendered.

Continuation of case if in chambers.

**272.** No election shall be contested in any other manner, nor according to any other procedure than that prescribed by this act.

No other manner of contestation.

## TITLE IX.

### BRIBERY AT ELECTIONS.

**273.** The following persons are deemed guilty of bribery and liable to the penalties, hereinafter imposed for such offences :

Certain persons guilty of bribery.

1. Every elector who, directly or indirectly, at any time, before, during or after any municipal election in the said city, demands or receives any money or reward, in the form of a gift or loan or any other pretext, or agrees or stipulates that he shall receive any money, gift, office, employment or other reward to vote or abstain from voting at such election ;

Electors demanding money, &c.

2. Every candidate at such election, or any other person, who, directly or indirectly, by himself or by an agent, by means of a gift, reward, promise, agreement or guarantee, corrupts or attempts to corrupt an elector so that he shall vote or abstain from voting at such election ;

Candidates, &c., by gifts, &c., corrupting elector, &c.

3. Every elector who shall, directly or indirectly, by means of any gift, loan, reward, promise or of any other pretext, favor or agree to favor or endeavor to assure the election of any candidate at any municipal election in the city ;

Electors agreeing by means of gift, &c., to favor candidate.

4. Whoever shall receive any money, gift, reward or promise, under the form of hiring of vehicles or for loss

Receipt of money, &c.

of time, so as to give his vote, or who shall accept an excessive price for any article of commerce, for his vote or with a view of his abstaining from voting at any municipal election in the city ;

Employers  
&c., coercing  
employees.

5. Every employer, foreman or person in charge of any establishment or works of any kind who threatens to dismiss or do any injury to his employees or to any employee ;

Hiring  
carts.

6. Any candidate or other person who engages or hires a carter for the purpose of conveying electors to the polls ;

Loanng wag-  
gons for  
money, &c.,  
for convey-  
ance of  
electors.

7. Any person who, for any money or any gift, reward, or promise, or other pretext, shall loan his waggon, or other vehicle to any candidate or other person for the purpose of conveying electors to the poll-houses during an election.

Penalty for  
infraction of  
provisions of  
preceding  
article.

**274.** Whoever infringes any of the provisions of the preceding article. shall incur and pay for each offence a fine of forty dollars, which shall be recovered with costs of suit, and for his own benefit, by any person who shall sue for the same before the Circuit Court for the district of Montreal.

Municipal  
franchise to  
be lost during  
certain time,  
&c.

Every offender found guilty in the cases mentioned in the preceding article is deprived of the right of voting or of being a member of the council of the said city for three years, and his name is struck from the list of electors during that period.

## TITLE X.

### POWERS OF COUNCIL.

#### SECTION I.

#### MISCELLANEOUS PROVISIONS.

Jurisdiction  
of council.

**275.** The council shall have jurisdiction throughout the entire extent of the city.

By-laws &c.,  
passed in  
session.

**276.** By-laws, resolutions and other municipal orders shall be passed by the council in session.

Formalities to  
be complied  
with by coun-  
cil.

**277.** The council, in the discharge of its functions, shall fulfil all the formalities required by the provisions of this act, and by the by-laws in force in the city.

How docu-  
ments &c.,  
are to be  
published.

**278.** Any document, order or proceeding of the council, the publication of which is required by the provisions of this act or by the council itself. are published in the manner and at the places prescribed for public notices, save the cases otherwise provided for.

**279.** The council may suspend or revoke any license <sup>License granted may be suspended or revoked.</sup> granted under the provisions of this act, on account of improper conduct, incompetency or violation of any by-law on the part of the person who has obtained such license.

**280.** When the council, in its discretion, may deem it <sup>Council, if it has privy-vaults emptied by contract, may make certain stipulations in contract as to payments.</sup> expedient to cause privy-vaults or privies in the city to be emptied by contract, it may stipulate in such contract that the owners of such privy-vaults or privies shall be held to pay to the contractor the cost of removing the contents of such privy-vaults or privies, at the price fixed by such contract ; provided such price does not exceed <sup>Proviso.</sup> seven cents per cubic foot ;

Such <sup>Recovery by contractor of such price.</sup> Contractor has the right to recover from the owner of the premises, the sum due under such contract, before the ordinary tribunals.

## SECTION II.

### BY-LAWS OF THE COUNCIL.

#### § 1.—General provisions.

**281.** A copy of every by-law, made under this act, <sup>Copies of by-law to be transmitted to Lieutenant-Governor for approval.</sup> shall be transmitted, without delay, to the Lieutenant-Governor of this Province, who may, by and with the advice of the Executive Council of this Province, within three months from the receipt of such copy, disallow the by-law, and such disallowance shall be signified to the mayor of the city ; and, thereupon, such by-law shall be <sup>May be disallowed by him within certain time.</sup> void and of no effect.

**282.** The council, in any by-law in which a license is <sup>Price for licenses may be fixed in by-law.</sup> to be granted, may fix and determine in its discretion the amount of the fee or tax to be paid for such license.

**283.** The council may impose by any by-law, for each and every infraction of the by-laws, excepting in cases <sup>Power of council to impose penalties by fine and imprisonment in default of payment.</sup> where penalties are specially provided, a fine, with or without costs, or imprisonment, in default of immediate payment of such fine and costs ; but, except in cases where it is otherwise provided in this act, such fine or imprisonment shall be in the discretion of the recorder's court ; such fine shall not, however, exceed forty <sup>Limit of fine and imprisonment.</sup> dollars, and such imprisonment shall not be for a longer period than two calendar months ; and where such imprisonment is ordered in default of payment of the fine, it shall cease on such payment ; and where the infraction <sup>Continuous infractions.</sup> of any by-law is continuous, such infraction during each day shall constitute a separate offence.

By-law may impose certain fines and imprisonment in default of payment not to exceed certain sum, &c.

**284.** The council may, in any by-law made under the provisions of this act, enact the imposition of punishment by fine or imprisonment in default of immediate payment of such fine and costs for enforcing any such by-law; provided that the fine does not exceed the sum of forty dollars, and that the imprisonment be for a period not exceeding two calendar months, saving offences against by-laws respecting the sale of liquors and licenses and others, for which it is otherwise ordered by this act.

Power of courts in deciding offence.

The court which decides upon the offence may limit the fine or imprisonment.

Power of council to authorize officers to enter houses &c., for certain purposes &c., and impose penalties for refusal to allow such entrance.

**285.** The council, in any by-law, may authorize any of its officers, or any officer or constable of the police force, to enter any house, building, yard or other premises in the city, to ascertain if any infringement of the by-laws now in force, or which may hereafter be passed by the council, is therein committed, and impose the said penalty, on all persons who refuse to allow such officer or constable to enter any such house, building, yard or premises, or in any way resist or interfere with the said officer or constable in the execution of his duty.

#### § 2.—*Promulgation and amendment of by-laws.*

Signature to by-laws to be authentic.

**286.** The original of every by-law, to be authentic, shall be signed by the mayor or person presiding the council, at the time of the passing of such by-law, and by the secretary-treasurer.

Certificate to accompany by-laws submitted to electors for approval.

**287.** The originals of the by-laws submitted for the approval of the municipal electors, when such approval has been given, shall be accompanied by a certificate under the signature of the mayor, or of the person who presided at the meeting, and of the secretary-treasurer, establishing the fact of such approval, and such certificate forms part thereof.

Reading of by-laws before being passed.

**288.** The council may order that the municipal by-laws be read two or three times before they pass, on different days or on the same day.

Translation of by-laws into English.

**289.** The by-laws shall be translated into the English language when the council shall require it.

Certificate as to observance of formalities to be *prima facie* proof.

**290.** The certificate of the secretary-treasurer, stating that the necessary procedure and formalities have been observed by the council or its officers at the time of the passing of the by-law, are *prima facie* evidence of their regularity.

**291.** One and the same by-law may regulate several of the objects mentioned in the provisions of this act.

In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

Several objects may be regulated by same by-law. If to be submitted for approval, one submission suffices.

**292.** The by-laws of the council come into effect and have the force of law, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after publication, except when otherwise provided for by the provisions of this act and especially by article 448.

Coming into effect of by-laws.

**293.** The by-laws, which, in virtue of their own provisions, or those of this act, do not come into force until after the expiration of a certain period, shall be published by public notice at least fifteen days before such period.

Publication required for certain by-laws.

**294.** The by-laws are published after the passing thereof, or their definitive approval in cases in which they have been submitted for the approval of the municipal electors, by a public notice signed by the mayor or secretary-treasurer, in which mention shall be made of the object of the by-law, of the date on which it was passed, and of the place where communication thereof may be taken.

How by-laws are published.

**295.** If the by-law be approved of by the municipal electors, the notice of publication also mentions that such formality has been observed, and the date upon which it was complied with.

Notice to mention approval by electors, if such has been the case.

The council may, moreover, publish its by-laws in French and in an English newspaper of the city of Montreal.

Publication in newspapers.

**296.** By-laws are executory and remain in force until they are amended, repealed or annulled by competent authority, or until the expiration of the period for which they have been made.

How long by-laws remain in force.

**297.** By-laws passed by the council are, when published, deemed public laws within the limits of the city and outside of the same within the jurisdiction of the council, and it is not necessary to allege them specially.

By laws to be public laws within city, &c.

**298.** By-laws, which, before coming into force and effect, must be submitted for the approval of the municipal electors, can not be amended or repealed, except by another by-law approved in the same manner, except those which contain a provision reserving to the council the right of amending or repealing the same; but, in such

Amendment of by-laws which have been submitted to electors for approval.

case, the amendment cannot derogate from the principles approved by the electors, and the by-law can only be amended in such manner as to make it more advantageous for the city.

Repeal, &c.,  
of by-laws.

Notice re-  
quired.

The repeal or amendment of any by-law can only be made by means of another by-law ; and, before proposing such by-law, it is necessary that a notice of motion should have been given at a previous session

§ 2.—*Approval of electors, who are real estate owners, required for certain by-laws.*

Proceedings  
at meeting for  
approval of  
by-laws.

**299.** When a by-law of the council has to be submitted to the electors who are real estate owners, the proceedings at the meeting held for the purpose and at the voting, if the same be necessary, are those hereinafter prescribed.

Notice con-  
vening meet-  
ing.

**300.** The general meeting of such electors who are real estate owners is convened at least fifteen days beforehand, by a public notice signed by the mayor, for a day specified by the council, and held in the public municipal hall at the hour of ten in the forenoon.

Who presides.

**301.** The said meeting is presided over by the mayor or pro-mayor.

If both are absent or unable to act, the secretary-treasurer appoints one of the aldermen to preside.

Secretary of  
meeting.

The secretary-treasurer acts as secretary, reads the by-law and submits it to the meeting.

If certain time  
elapses with-  
out poll being  
called for, by-  
law approved.

**302.** If more than one half hour elapses after the meeting is opened, without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested.

Who may de-  
mand poll.

**303.** Six electors, who are real estate owners and qualified to form part of such meeting, may require that a poll be held to ascertain whether the by-law is approved or not.

Granting of  
poll and when  
to be held.

Upon such requisition, the mayor or other person presiding shall, at once, grant such poll, which shall thereupon be opened and held until the hour of four in the afternoon of the same day, and on the following day from ten in the morning until four in the afternoon.

Mayor, &c.,  
may absent  
himself  
during the  
voting, &c.

**304.** The mayor or other person presiding may absent himself during the voting, provided he be represented by a member of the council.

Voting.

**305.** Each elector presents himself in his turn and gives his vote by "Yea", or "Nay;" the word "Yea" meaning

that he approves of the by-law, and the word "Nay" that he disapproves of it.

The name of the elector and the vote given by him are entered in a special book kept by the secretary-treasurer for the purpose. Entry in book of persons voting, etc.

**306.** No one is be allowed to vote on such by-law, unless his name be inscribed on the last list of municipal electors in force as a municipal elector and real estate owner, or unless he has, since the fifteenth of December previous, paid the municipal dues payable by him, which he may do before his vote is registered. Who may vote.

The production of his receipts is a sufficient proof to authorize him to vote. Receipts proof of right to vote

**307.** At the close of the poll, the mayor or the officer presiding over the voting counts the "Yeas" and "Nays," and, at the first session after the polling, he submits to the council the result of the voting, together with a statement of the value of the taxable real estate of each voter, according to the valuation roll in force. Counting of votes. Result to be submitted to council with statement.

It is certified over the signatures of the mayor and secretary-treasurer, for the information of the council, whether the majority of the votes registered in number and in value of the taxable real estate approves or disapproves of such by-law; the decision of the majority in number shall, however, predominate. Certificate as to whether the majority approves or disapproves.

If the council wishes to examine the poll-books and the assessment roll, they shall be at once submitted. Examination of poll books, etc., by council.

**308.** When the votes are equally divided, the mayor, whether he has or has not presided at the meeting or at the voting, shall, inasmuch as he represents the whole city, alone have the right to give his casting vote during the twenty-four hours following the closing of the poll. Casting vote of mayor.

If he does not vote or is absent from the city, the council shall decide the question by a resolution passed at a regular or special session.

**309.** The poll books, as well as the statement and certificate produced, shall be deposited in the archives of the council. Deposit of poll books, etc. in archives of council.

#### § 4.—*Annuling of by-laws, etc.*

**310.** Any municipal elector, may, in his own name, by a petition presented to the Superior Court, demand and obtain, on the ground of illegality, the annulment of any by-law, resolution, assessment roll or apportionment; but the right of demanding such annulment is prescribed by two months from the date of the passing or completion of such by-law, resolution, assessment roll or apportionment. Who may petition to annul by-laws &c., and when.

If not petitioned against to remain in force.

ment in the terms of article 8 ; and after that delay, every such by-law, resolution, assessment roll, or apportionment shall be considered valid and binding for all purposes whatsoever, provided the subject matter thereof be within the competence of the corporation.

### SECTION III.

#### POWER TO PASS CERTAIN BY-LAWS.

Power to make by-laws for peace &c., of city, and to:

**311.** The council may make by-laws for the good government, peace, welfare, improvement, cleanliness, health, and internal economy of the city, and for the preservation of order therein, and for the prevention and suppression of all acts and proceedings obstructive thereof or disadvantageous thereto ; and without limiting the effect and purview of the authority hereby granted, such by-laws may be so made for the following, among other purposes namely :

#### § 1.—*Miscellaneous by-laws.*

Restrain gambling, &c.

**312.** To restrain gaming, either by betting, or games of chance, or by colorable sales, or purchases of stocks, shares, or merchandize, without the intention actually to purchase, sell, deliver, or receive the article purporting to be sold ; and also to make any special provision for enforcing, through its officers, the laws against gaming :

Prevent riots, &c. ;

**313.** To prevent any riot, disturbance or disorderly assemblage ;

Prohibit cock-fighting, &c. ;

**314.** To prohibit cock-fighting and dog-fighting and other similar sports ;

Prevent immoderate driving ;

**315.** To prevent and punish immoderate driving and horse racing in the streets ;

Prohibit prize fighting, &c. ;

**316.** To prohibit prize fighting, boxing matches or sparring exhibitions ;

Prohibit ill-treatment of animals ;

**317.** To prohibit the ill treatment of any animal ;

Prohibit fortune telling, &c. ;

**318.** To prohibit fortune-telling and the use of any subtile craft, means or device, by palmistry or otherwise, to deceive and impose upon any of Her Majesty's subjects ;

To compel proper observance of Sunday, &c. ;

**319.** For the proper observance of Sunday, and to prevent the opening of public places of amusement in the city on that day ;

**320.** To prohibit the selling by shop-keepers, pedlars, hotel-keepers, tavern-keepers or other persons, on Sunday, of goods, wares, merchandize or intoxicating liquors, or the purchasing or drinking thereof, in any hotel, tavern or place of public entertainment; and also to enforce the closing of saloons and taverns from seven o'clock or any hour later on Saturday evening, until Monday morning.

However, the council may allow in the city, under such restrictions as provided therein, the sale of fruits, cigars confectionery and temperance drinks on Sunday;

Prohibit selling by shop-keepers &c., on Sunday;

Enforce closing of saloons on certain days and hours. Exception for the sale of fruits &c. on Sunday;

**321.** To prohibit games of billiards, pool, mississippi, pigeon-hole, ten pins, bagatelle and other like games, on Sunday, in establishments where spirituous liquors are sold;

Prohibit games of billiards, &c. on Sunday;

**322.** To prohibit the disturbance of any congregation or assembly for religious worship, and to prohibit the distribution of printed hand bills or circulars at church doors on Sunday;

Prohibit disturbance of congregations for religious worship, etc.;

**323.** To license and regulate the posting of bills and placards; to prohibit the posting or exhibiting of indecent or offensive placards, paintings, drawings, statues, or inscriptions, in any street or public place, or in any store, or any place visible from such street, or public place;

License &c., bill posting, &c.;

**324.** To license, regulate or prohibit musical saloons or establishments where intoxicating liquors are sold, and wherein instrumental or vocal music is used as a means of attracting customers; to license or prohibit the use, by itinerant players of hand organs, or other musical instrument, for pay or in expectation of pay, in any of the streets or public places; to prohibit the sale or exhibition of any lewd book, picture or other thing of an immoral or scandalous nature, or of the performance of any indecent or immoral play or representation;

License, &c. musical saloons, &c.;

**325.** To license and regulate the holding of exhibitions of common showmen, shows of every kind, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, minstrels, and any other like exhibition; with power to prohibit any such exhibition, if deemed expedient;

License, &c. holding of exhibitions, &c.;

**326.** To establish a board of health, with such privileges, power and authority, as the council may deem fit; to take means to promote the health of the city; to provide precautionary measures against the introduction of diseases; to make regulations for preventing contagion or

Establish board of health, &c.;

infection therefrom, and for diminishing the danger thereof; and to define and regulate the duties, powers and attributions of health officers;

Enforce vaccination, &c.;

**327.** To enforce a complete and efficient system of vaccination; to establish offices for that purpose, to appoint officers, to authorize them to make domiciliary visits, to destroy the linen, clothing and any other articles infected with small-pox or any other contagious disease; to isolate patients labouring under any such disease, whensoever the said officers shall deem it necessary for the welfare of such patients, or of the public at large; to cause any person, who shall have died of any such disease, to be buried within a short delay; and, generally, to take such measures, as the council may deem necessary, to regulate, control, prevent or arrest the progress of small-pox or other contagious, endemic or infectious disease; any law now in force to the contrary notwithstanding;

Compel superintendents, &c., of cemeteries to furnish mortuary returns, &c.;

**328.** To compel the superintendent of any cemetery in the city, or in any of the adjoining municipalities, to make, and deliver to the corporation, regular returns of all persons buried in such cemetery; to regulate the manner and form in which such returns may be made; to exact that, in all cases of death occurring in the city, the attending physician, or (in the absence of a physician) a member or friend of the family, shall, within such time and under such penalty as the council may determine, furnish to such superintendent a certificate, signed by such physician, member or friend, stating the name, surnames, age, birth-place, date, place of death, and the nature of the disease; and also to provide such other means of obtaining correct and reliable statements or information in reference to the mortality and its causes as the council may deem necessary;

Prohibit interments in city, &c.;

**329.** To prohibit all interments in the city, with the exception of priests and nuns, who may be interred in Catholic churches in the city;

Regulate, &c., erection, &c., of unhealthy factories, &c.;

**330.** To regulate or to prohibit the erection, use or working, in the city, of unhealthy, unwholesome, dangerous, or obnoxious factories or establishments; and amongst other soap and candle factories, and factories of a like nature, wherein the rendering of tallow is carried on, or of limekilns, of bone-boiling or bone-burning establishments, or of any oil or oil-cake factory, india rubber or oil-cloth factory, dyeing establishment, slaughter-house, butchery, tannery, brewery, distillery, gas-works, blue, glue or varnish factory, petroleum or coal-oil refinery or warehouse, roofing composition factory, fire-works' factory,

friction-matches' factory, chemical works, alcohol rectifying establishment, and all other factories and workshops of any kind whatsoever, the working of which may endanger the public health or safety ; and to prevent the working of the establishments at present existing, in the city ; provided that such establishments at present existing, in the city are not conducted in accordance with the provisions of any by-law of the city ;

To impose a fine of one hundred dollars for the violation of any by-law made under the authority of this article, and, in default of immediate payment of the fine and costs by the offender, an imprisonment not exceeding two calendar months, unless the fine and costs shall have been paid before the expiration of such period ; and a further fine of fifty dollars per day for each and every day the offender shall continue in the violation of such by-law ; but, before any prosecution shall be instituted against any person for the violation of the by-law, the council shall give to such person a notice of six months, to be signed by the city clerk ; and such notice shall be valid, as well against the person accused of violating such by-law, as against any person who may afterwards acquire the business or manufactory complained of, or the property wherein the same is carried on ;

Impose fines for violation of by-law under this article;

Notice previous to prosecution.

**331.** To compel persons, owning or using steam engines, steam boilers, factories, chemical works, or other workshops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment ; and to impose a fine of one hundred dollars for the violation of any by-law made under the provisions of this subsection, and, in default of immediate payment of the said fine and costs by the offender, an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine of fifty dollars per day for each and every day the offender shall continue in the violation of such by-law ;

Compel persons using steam engines &c., to have smoke consuming appliances &c., and fine them if not;

**332.** To compel the proprietor or occupant of any lot of land having stagnant and filthy water upon it, or that is in any condition dangerous to the public health, or the agent of the proprietor of such lot, or any person having charge thereof, in the absence of the proprietor, or, in case the proprietor cannot be found, to drain off such stagnant and filthy water, or to fill up and properly level such lot ;

To compel proprietor to drain stagnant waters, &c ;

**333.** To provide that, in case the owner of such lot cannot be found and there be no person in the occupa-

Provide for draining same if owner

cannot be  
found, &c ;

tion thereof, and no one to represent the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse fill up or level the same when so directed by the proper officer of the council, or be unable, for want of means to fence in, cleanse, drain, fill up or level such lot, it shall be competent for the corporation to have the same done, and to provide that the amount expended thereon shall be a special charge upon such lot and shall have the same privileges attached to it, and be dealt with and recoverable in the same manner as a special tax thereon ;

Compel pro-  
priators to  
fence their  
lots ;

**334.** To compel the proprietor of any lot of land in the city to fence in or enclose the same, and to regulate the height and quality of every such fence or enclosure ;

Prevent filth  
from being  
deposited in  
city, etc ;

**335.** To prohibit any person from depositing in the city, any filth, dirt or other offensive matter, whatsoever, and to compel the removal thereof, by the owner or occupant of the premises on which the same may be, and, in default of his so doing, to authorize the removal or destruction thereof by the proper officer, and to recover the cost of such removal or destruction from the party refusing or neglecting so to do ; subject to his right to recover the amount so paid by him from the person making such deposit ;

Prohibit, &c ;  
teasing of  
wool, &c ;

**336.** To prohibit and regulate the teasing of wool, hair, and other like articles, and the collection of rags ;

Prohibit, etc ;  
raising of pigs  
in city ;

**337.** To prohibit the raising, keeping or feeding of pigs in the city, or such sections of the city as the council may determine ;

Authorize  
confiscation  
of articles of  
food offered  
for sale ;

**338.** To authorize the seizure and confiscation of all or any articles of food and effects offered for sale in the city for or on account of deficiency in measure, weight or quality ;

Regulate  
sale of bread  
&c ;

**339.** To regulate the sale, weight and quality of bread to be sold or exposed for sale in the city, and all things concerning the inspection or bread, its seizure, and the manner of disposing of the same after such seizure and confiscation ; and to authorize, for that purpose, any police officer to enter into bakers' or other shops where bread is sold, and to stop bakers' vehicles in the streets for the purpose of examining and testing the weight of bread ;

Regulate sale  
&c., of milk,  
&c ;

**340.** To regulate the sale, quality and inspection of milk, and to authorize its seizure and confiscation, with the same powers to the police or health officers as are conferred in the preceding article ;

**341.** To regulate the sale, by weight or otherwise, of all articles sold or offered for sale or delivered in the city ;

Regulate sale  
by weight &c.,  
of articles ;

**342.** To regulate junk stores and shops for the sale or purchase of second-hand goods or merchandize, and to authorize and regulate the granting of licenses to persons keeping such stores or shops ;

Regulate junk  
stores, &c ;

**343.** To establish and regulate public markets ; to license private butchers' or hucksters' stalls ; and to strain the sale of fresh meats, vegetables, fish and other articles usually sold on markets ;

Establish and  
regulate  
public mar-  
kets, etc ;

**344.** To determine the powers and duties of the clerks and other officers employed on the public markets ; to regulate the renting of the stalls and the duties to be paid by persons selling, or exposing for sale, on the markets, meat, vegetables, fruit, or any other thing whatsoever, and also the weighing of meat and any other articles sold or offered for sale on the markets ; to regulate the sale of horses, and to impose a tax on horses sold or exposed for sale by horse-dealers in the city ; and to fix the rates to be paid therefor ;

Determine  
powers &c., of  
clerks of mar-  
kets, &c ;

**345.** To regulate the kind of the vehicles in which articles may be exposed for sale on the markets, and the manner in which they shall be located on the markets ; to impose a duty on such vehicles, and to establish the mode in which such duty shall be collected ;

Regulate  
vehicles on  
markets, &c ;

**346.** To regulate the duties, powers and attributes of the inspectors of meat, and to authorize the seizure, confiscation and disposal of any meat, or other article of food found to be unwholesome ;

Regulate &c.,  
duties of in-  
spectors of  
meat &c ;

**347.** To provide that provisions and provender, usually bought and sold on public markets, that may be brought to the city for sale, or any of them, shall be conveyed to the public markets and there exposed ; and that no such provisions or provender shall be offered, or exposed for sale, or be sold or purchased elsewhere in the city, than on the public markets ; but the council may provide for empowering any person to sell, offer or expose for sale, beyond the limits of said markets, meat, vegetables and provisions usually bought and sold on public markets, and for granting him a license for that purpose, upon payment of such sum, and the performance of such conditions, as shall be fixed by by-law ;

Provide that  
provisions  
&c., be sold  
on markets,  
&c ;

Proviso.

**348.** To regulate the hour, manner and route in and by which horned cattle shall be driven in the city, and the destination of cattle intended for slaughter ;

Regulate hour  
horned cattle  
shall be driven  
through city ;

Change &c.,  
market-pla-  
ces, &c ;

**349.** To change, enlarge or diminish the site of any market or market-place, or to establish any new market or market-place, or to abolish any market or market-place now in existence, or hereafter to be in existence in the city, and to appropriate the site thereof, or any part of such site, for any other public purpose whatever ;

Establish &c.,  
abattoirs, &c ;

**350.** To establish, regulate and administer public abattoirs, either within or beyond the city limits, that is to say : within a distance of three miles from such limits ; and to prohibit private slaughter-houses in the city ;

Authorize  
impounding  
&c., cattle &c.,  
straying &c ;

**351.** To authorize the impounding of any cattle, horses, swine, sheep, or goats, found running at large in the streets or public places, and the sale of the same for the fine and expenses ; to fix a tariff of fines to be paid upon such impounding ; and to establish pounds for such impounding ;

Compel  
owners of  
dogs to take  
out license,  
&c ;

**352.** To compel owners of dogs to take out a license for each and every dog, annually ; to authorize the destruction of mad, vicious or unlicensed dogs ; to punish every person who shall keep, or have in his possession a vicious dog, which shall bite or attack the passers-by, or disturb the rest of the citizens ;

Regulate  
width of  
streets &c ;

**353.** To regulate the width of streets, and to establish or alter the level of any roadway, or sidewalk in any street ; to regulate all things concerning the streets, parks, squares, bridges or drains, in the city, including the numbering of houses, buildings and fences in such streets, to protect the same from any encroachment or injury ; to close and discontinue any street ;

Proviso.

The width of streets shall be in accordance with the laws in existence in the Province.

Prevent in-  
cumbering of  
streets &c ;

**354.** To prevent the incumbering of and encroaching upon the streets and sidewalks ; to prohibit, regulate, or license the sale of any article or merchandize in streets or public places ;

Regulate  
awnings &c ;

**355.** To regulate the placing of awnings, signs, or showboards ; to compel the owners thereof to abate the same, and to prevent the defacing of private or other property by notices posted thereon ;

Regulate, &c.,  
planting, &c.,  
of ornamental  
trees on  
streets, &c ;

**356.** To regulate the planting, rearing and preserving of ornamental trees in the streets, squares and parks of the city ; to compel any proprietor to plant trees in front of his property, under the direction of the city surveyor, and to authorize the city surveyor to cause such planta-

nion to be made, and to exact the cost thereof from such proprietor, in case the latter shall refuse or neglect to comply with the city surveyor's order ;

**357.** To make such provisions as the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses or other buildings ; and, for that purpose, to determine the manner in which such sidewalks and roofs shall be kept, with power to hold the owner, occupant, tenant, or the agent of the owner of every house, or other building, or of any vacant lot in the city, responsible for the due fulfilment of the obligations imposed upon them in that behalf ;

Make provisions for preventing accidents in winter from accumulation of snow, &c ;

**358.** To prohibit the flying of kites and every other game, practice or amusement in streets or public places, having a tendency to frighten horses, or to injure persons or property ;

Prevent flying of kites, &c :

**359.** To determine the direction of natural water-courses passing through private property, and to regulate all matters concerning the same, whether the said water-courses be covered or not ;

Determine direction of natural water-courses, &c ;

**360.** To regulate the sewerage of the city ; to assess proprietors of immoveable property to defray the cost of making any common sewer in any street, in which such proprietors own property, including connections between such common sewer and the private drains of such proprietors ; and to regulate the mode in which such assessment shall be made, either by frontage of said property or otherwise, and the manner of levying such assessment ;

Regulate sewerage in city, &c., and assess for cost of common sewers.

**361.** To regulate the time when private drains may be made, also the manner and material with which the same may be constructed ; the corporation making the same, from the line of the street to the common sewer, and to assess the cost of the same on the owners of such property ;

Regulate when private drains may be made, &c ;

**362.** The council may also impose an assessment of one dollar and fifty cents per running foot upon the proprietors on each side of St. James street of the city of Ste. Cunégonde of Montreal for the main sewer made therein ; but this article shall not apply to such of the said proprietors as have already paid their share for the said sewer ;

Impose certain assessment upon certain proprietors for certain sewer in St. James street ;

**363.** To extend its main sewers or tunnels in any adjoining municipality, and to recover from such municipality its share of contribution towards the cost of con-

Extend its main sewer to neighboring municipality-

ties and levy contributions therefor; How contribution is to be determined.

Payment thereof.

Proviso as to certain contracts.

struction of such main sewers or tunnels, according to the area to be drained and in proportion to the benefit to be derived by such municipality; the amount of such contribution to be determined by appraisers to be appointed as follows: one by the council, one by such municipality, and a third by a judge of the Superior Court; provided that, so soon as any such municipality, or any proprietors therein, shall make use of any such main drain or sewer the sum to be contributed by the municipality shall be paid, by means of a sinking fund of two per cent, to be paid annually by the said municipality, until the final redemption of the amount of such contribution; such amount, or the proportion thereof, remaining unpaid, to bear interest, at the rate of six per cent per annum, payable annually; provided that nothing in this article contained shall affect the contracts or agreements existing between the city of Montreal and the towns of St. Henri and Ste. Cunégonde;

Impose tax for laying water-pipes, &c., in streets;

**364.** To impose a tax intended to cover the expense of laying water-pipes in the streets, on the immoveables situate in the streets in which such pipes are laid and upon buildings into which water is introduced, and to regulate the levying of such tax to be imposed, either as regards the frontage of the properties or otherwise as well as the method of collecting such tax;

Sanction the laying of tracks for railways, &c.; Regulate number of passengers to be carried;

**365.** To sanction and permit, under such conditions and restrictions as the council may impose, the track of any street railway or other railway to be laid in the city; to regulate the number of passengers to be carried in each car or vehicle used by such street railway.

Organize fire department, &c.;

**366.** To organize the fire department, and to appoint all officers and men necessary for the prevention of accidents by fire, the suppression of fires and the protection of property at fires; and to provide for the punishment of any person who may interfere with any fireman or member of the fire brigade in the execution of his duty, or who may interfere with, impede, obstruct or injure any of the signal boxes, or the wires or other apparatus of the fire alarm department;

Provide for punishment of persons interfering with fire brigade, signal boxes, &c.;

Authorize demolition of building, &c. during fires,

To authorize the demolition of buildings and fences when deemed necessary in order to arrest the progress of fire;

Compel proprietors of certain buildings to provide fire-escapes;

**367.** To compel proprietors of buildings occupied as hotels, theatres, manufactories, schools, places of public entertainment, and such other buildings as the council may see fit to indicate, to provide the same with effectual means of escape; to cause the same to be inspected, from

time to time, by the inspector of buildings; and to prevent the use thereof until so provided and inspected;

**368.** To regulate the mode to be followed and the materials to be used in the erection or repair of buildings with a view to security against fire and the safety of the occupants, with power to hold the proprietor, builder, or person in possession of such building responsible for any contravention of such by-laws;

Regulate mode to be followed in erecting, &c., buildings;

**369.** To prescribe and define the duties and powers of the inspector of buildings, and to authorize him and such other officers as may be appointed by the council for that purpose, to visit and examine, in the performance of their duties, as well the interior as the exterior of any house or building;

Prescribe, &c., duties of inspector of buildings, &c.;

**370.** To authorize the said inspector to demolish any house or building that may endanger the lives of the citizens; to cause such house or building to be temporarily vacated, if he deems it necessary; and to do and perform such work of repair as he may deem necessary for the safety of the structure, and to authorize the recovery, from the proprietor, of the cost so incurred;

Authorize inspector to demolish dangerous buildings, &c.;

**371.** To regulate the construction, dimensions and height of chimneys; and, in cases where any building is elevated above any adjoining house or building, to authorize the inspector of buildings, or other officer, to determine, by whom, at whose cost, in what manner, to what height, and within what delay, the chimneys to the less elevated house or building shall be raised, so as to continue their efficiency, and so as not to endanger the adjoining or neighboring property;

Regulate construction, &c., of chimneys, &c.;

**372.** To regulate the sweeping of chimneys by licensed sweeps, and to establish a tariff of rates therefor;

Regulate sweeping of chimneys;

**373.** To regulate the erection, use or employment of steam engines and steam boilers, electric dynamos and other electric machines, and the qualifications of persons charged with the working of the same, their examination and license;

Regulate, use, &c., of steam engines, &c.;

**374.** To prohibit, regulate or license the storage of petroleum, coal oil, benzine, naphtha and other inflammable liquids; and also of explosive substances in the city;

Prohibit, &c., storage, &c., of petroleum &c.;

**375.** To prohibit or regulate the sale and use of fireworks, fire-crackers and all other explosive missiles;

Prohibit sale, &c of fire-crackers;

Require sanc-  
tion of coun-  
cil before  
lumber, &c.,  
stored in city,  
&c.;

**376.** To compel all persons who desire to store lumber timber, firewood, laths or shingles, in the city, or to work, run or use any saw and planing mill, carpenter's or joiner's shop, or other building or establishment wherein wood or other combustible materials are kept, to obtain the previous sanction of the council so to do, and of the place where such wood-yards and mills, work-shops or other buildings, or establishments, may be located and used ;

Prevent  
bakers, &c.,  
having ovens,  
&c., unless  
connected  
with chim-  
neys, &c.;

**377.** To prevent any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes, or other manufacturer or person from building, or having any oven or furnace, unless such oven or furnace communicate with and opens into a chimney of stone or brick, rising at least three feet higher than the top of the building in which, or in connection with which such oven or furnace is placed ;

Regulate, &c.,  
carters, &c.;

**378.** To authorize and regulate the granting of licenses to carters, owners or drivers of vehicles for hire, or to owners of vehicles used in the city for the delivery of meat, bread, milk, ice, vegetables, groceries, or any other goods, effects or merchandize, whether such owners reside in or outside of the city ; to provide for the good government and discipline of the drivers of such vehicles for hire ; to fix a tariff of the rates they shall be entitled to charge, and to punish persons who use such vehicles and refuse to pay the fare as established by tariff ;

Prevent non-  
residents from  
carrying on  
trade, &c., in  
city without  
license ;  
Proviso ;

**389.** To prevent any person, residing beyond the city limits, from carrying on his trade or business within the city, without taking out a license and number for each and every vehicle used in the city for the purposes of such trade or business ; provided that there be no discrimination against such person ;

Regulate du-  
ties of masters  
and servants,  
&c.;

**380.** To regulate the respective duties of masters, apprentices, servants, domestics, journeymen and laborers ;

Protect citi-  
zens at rail-  
way stations,  
&c.;

**381.** To take all possible means to protect the citizens in the streets and public places, at railway stations and passenger steamboat wharves ;

Means to be  
taken in such  
view ;

For that purpose, the council may compel all railway companies to make, construct and maintain, at all hours of the day or night, such gates, fences or other works as may be deemed necessary for the protection of the citizens, vehicles and animals, passing through such streets or public places ; and all such companies and their agents or employees shall be liable to such penalty as the council may impose ;

**382.** To prevent the obstruction of the streets by cars, or trains of cars, locomotives or other engines of railway companies; and determine what precautions the conductors, engine-drivers or stokers of such trains, cars or engines shall take, when crossing or about to cross the streets in the said city; and impose, either on the said servants of the said railway company, or on the company itself, a fine for each infringement of the by-laws passed for that purpose;

Prevent obstruction of streets by cars, &c.;

**383.** To regulate the lighting of the city by gas, electricity or otherwise; to protect the lamps and lamp-posts in the streets and public squares;

Regulate lighting of city by gas, &c.;

**384.** To authorize the issue and signature of licenses, and to prescribe the manner in which such licences shall be issued and registered;

Authorize issue, &c., of licenses, &c.;

**385.** To create and establish, out of the general funds of the city, a superannuation fund for the officers and employees of the corporation, upon such conditions, and stipulations as the council may determine;

Create superannuation fund for employees;

**386.** To regulate the cutting of ice for the supply of the city, and to prescribe the localities where such ice may be cut;

Regulate cutting of ice, &c.;

**387.** To provide for the paving with stone or asphalt of any private lane in the city, and to assess the cost of the same on each proprietor in such lane, according to frontage;

Provide for paving streets &c.;

The assessment roll in such cases to be prepared by the city surveyor, and the amount levied to be collected in the same way as other special assessments are collected.

How assessment roll for such purpose is to be prepared.

**388.** To regulate, prohibit or restrict all games with cards or dice or other games of hazard, with or without bets, in any hotel, restaurant, inn or shop, whether licensed or not, in the city;

Regulate, &c., games, &c.;

**389.** To arrest on the spot and punish persons who are found therein, while playing at cards or dice or other games of hazard;

Arrest persons gambling, &c.;

**390.** To suppress and punish vagrants, beggars, prostitutes and disorderly persons;

Punish vagrants, &c.;

**391.** To suppress and close all houses of prostitution or of ill-fame, and arrest and punish the inmates and frequenters thereof;

Suppress houses of prostitution;

Compel closing of stores on Sunday;

**392.** To compel the closing of all stores or shops and photographers' and barbers' establishments, throughout the whole day on Sunday ;

Prevent persons bathing in public waters;

**393.** To prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares ;

Prohibit, &c., removal of buildings through the streets;

**394.** To prohibit the transport or removal, through the city, of any house or building, without a special permit from the council, and on payment of such compensation as the council may exact ;

Damages occasioned by such removal by whom payable.

Every person, so transporting or removing a house or building, shall be responsible for the damages which may be caused to the city by injuring the trees or streets or underground pipes.

Prevent entering sheds, &c., with lights, &c.;

**395.** To prevent any person from entering any shed, stable, pig-sty, barn or out-house, with a light not enclosed in a lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution, so as to prevent fires ;

Prevent lighting fires in out-houses;

**396.** To prevent any person from lighting or keeping a fire in any out-house, pig-sty, barn, shed or other building, otherwise than in a chimney or a metal stove ;

Prevent persons carrying fire through streets, &c. ;

**397.** To prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel ;

Compel &c., owners to keep doors of hay-lofts shut, &c.;

**398.** To compel the owners or occupants of barns, hay-lofts, or other buildings containing combustible or inflammable substances, to keep the doors thereof shut ;

Prevent depredations at fires, &c.;

**399.** To prevent thefts and depredations at fires in the city ; and punish any person who resists, opposes or ill-treats any member or officer of the council, while in the execution of the duty assigned to him by the council ;

Compel telegraph &c., companies to place wires &c., underground and remove poles &c., and regulate manner in which electricity shall be supplied for lighting, &c.;

**400.** To compel telegraph, telephone or electric light companies to lay their wires underground within the limits of the city and cause the poles to be removed ; to define and prescribe the manner in which electricity shall be supplied and applied for lighting, the intensity and strength of the currents and the insulation of the wires ; and it may generally adopt all measures necessary for the protection of the life and property of the citizens : amongst others, construct or cause to be constructed subterranean tubes in the streets and lanes of the city for receiving the telegraph, telephone and electric light wires of the various

companies, and other similar companies, in consideration of such annual remuneration as the council may determine with the consent of the said companies, or, in default of an agreement, the remuneration shall be determined by arbitrators, one of whom shall be appointed by the city and the other by the said companies, and if they differ in opinion the said arbitrators shall appoint a third, and if they do not agree upon the choice thereof the superior court shall appoint the third ;

**401.** To regulate the weighing and measuring of all <sup>Regulate weighing &c., of lumber &c, hay, salt, &c;</sup> lumber for building purposes, sawn lumber, fire-wood, coal, salt, grain, lime and hay brought or sold in the city by strangers or by persons residing therein.

§ 2.—*Establishment of a police force.—Maintenance of the peace. Enforcing of by-laws.*

**402.** The council may establish, regulate, arm, lodge <sup>Establishment of police force.</sup> clothe and pay a police force in the city, and determine the duties of the officers and men of such force or constables, for maintaining peace and good order and for the observation of the municipal by-laws in the city and on the Lachine Canal, within the limits of the jurisdiction of the council.

**403.** All the constables have the necessary powers for <sup>Powers of constables.</sup> the performance of the duties imposed on them within the limits of the city and outside thereof, upon all wharves, and bridges upon the ice and water, on any boat or vessel on the Lachine Canal, within the limits of the jurisdiction of the council.

**404.** The powers of the police constables extend to the <sup>Extent of powers of constables.</sup> whole district of Montreal, but they cannot act outside of the limits of the city without the written authorization of the mayor or an order from the Recorder's Court.

**405.** Every constable, policeman or police officer who <sup>Punishment of constables &c., for misconduct.</sup> is guilty of disobedience, insubordination, drunkenness, neglect, bad conduct, abuse of power, partiality or malfeasance in the performance of the duties imposed on him by law, incurs, upon conviction of such offence before a magistrate or before the Recorder's Court, a fine not exceeding forty dollars.

**406.** The mayor or the council may suspend or dis- <sup>Power to dismiss &c., constables.</sup> miss any constable who is guilty as aforesaid.

**407.** All and every such police officers or constables <sup>Power of police officers to arrest on</sup> may arrest, on view and without a warrant, any person

view person  
disturbing  
the public  
peace &c.

they may find breaking the public peace, or lying or loitering, either during the night or daytime in any highway, field, yard or other place, or lodging or sleeping in any barn, out-house or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk, shouting, swearing or causing tumult on the public roads or highways, wharves, bridges or on any part of the Lachine Canal, or in any vessel, within the limits of the city, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any federal or provincial law, or any by-law of the city.

Power to  
arrest imme-  
diately after  
commission  
of offence.

They may also arrest, on view and without a warrant, any such persons immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence.

Power to  
arrest beyond  
city limits  
certain  
offenders.

**408.** They have also the power and authority to arrest, in the execution of their duty, even without the limits of the city, all persons who have contravened any federal or provincial law within the limits of the city, or any by-law of the city, or who have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law or any such by-law.

Power to  
enter houses  
&c., for  
certain  
purposes.

**409.** Any police officer or constable of the said city may go into any house, store-house, grocery store, shop, inn or other suspicious house, and go into any yard or other place, within the limits of the city, in which any person may be reasonably suspected to be for evil motives, or when there is reason to believe that some stolen articles have been hidden or received therein; and if any such person be found in such places, the said police officers or constables shall arrest, on view and without a warrant, and shall keep in custody, any such person.

Power to enter  
inns, &c., for  
certain pur-  
poses, &c.

**410.** Any constable also has power and authority to go into every inn, hotel, and into every shop licensed for the sale of spirituous, vinous or fermented liquors, to ascertain if the laws or the by-laws, regulating such houses, be faithfully observed, and to arrest, on view and without a warrant, all such persons whom they may find in such houses contravening any laws or by-laws.

Power to serve  
summonses,  
&c.

**411.** The constables have power and authority to serve all summonses and subpoenas and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for examination or for trial, or arrested in virtue of a warrant of arrest for the commission of any crime or misdemeanor, or the

violation of any federal or provincial law, or any by-law of the city.

**412.** The constables have power and authority to serve all special notices and to publish all public notices, in accordance with the various provisions of this act, and they certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect.

Power to serve special notices, &c.

**413.** Any constable shall, if he is so required by the mayor or by another member of the council or by the council itself, apprehend and arrest on view and without warrant all persons found contravening the provisions of any by-law of the council punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law.

Constables to arrest on view on orders of members of council.

**414.** It is lawful for any one of the members of the said city council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said city, and within the limits prescribed in articles 21, 42, 403 and 404 on the Lachine Canal, and to confine him in the common gaol of the district, or other place of confinement, in order that such person may be secured until he can be brought before the mayor or a justice of the peace, to be dealt with according to law.

Members of council may order arrest of drunken, &c., persons disturbing the peace.

**415.** Every person who assaults, beats or forcibly resists any constable or peace officer engaged in the execution of his duty, or who aids or excites any other person to assault, beat, or forcibly resist such officer or constable, is liable, upon conviction thereof before the mayor or a justice of the peace or the recorder, to a fine of from four to forty dollars or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary.

Penalty for assaulting constables, &c., on duty.

It is lawful for the council or such constable, if the offense be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Offender may be proceeded against by indictment.

**416.** Any constable may arrest on view, either by day or night, any one infringing any of the by-laws of the city, by refusing to pay the hire of any licensed carter's vehicle, and to bring him immediately before a member of the council or before a magistrate, if it be in the day time, or to hand over such person to the guardian of the prison or other place of detention, if it be at night, to be afterwards dealt with according to law.

Constables may arrest persons refusing to pay hire of carters, &c.

Constables when ordered so to do may inspect buildings, &c.,

**417.** Upon an order of the council, the mayor or recorder, any constable may inspect and examine, at any hour of the day or night, any moveable or immoveable property, the interior or exterior of any yard, house or building whatsoever, and also inspect the interior of any craft or vessel within the limits of the jurisdiction of the council on the Lachine Canal, in order to ascertain whether the by-laws of the council are observed, or for the purpose of arresting any one.

Owners to admit constables under penalty.

The owners or occupants of such moveables or immoveables are bound to receive and admit such constable, under penalty of a fine not exceeding forty dollars.

Constables to obey orders of certain persons.

**418.** All the constables shall obey the lawful orders they may receive from the council, from any of the members thereof individually, or from any justice of the peace for the district of Montreal.

Persons arrested to be conveyed to gaol or to lock-up.

**419.** Any such persons, so summarily arrested in virtue of this act, shall be immediately conveyed to the common gaol of the district of Montreal, or to the place of confinement established in the city, there to be safely kept until they may be taken before the mayor or one or two justices of the peace; but such persons so arrested may give bail or a sufficient recognizance, to be taken or received by the mayor, or the recorder or a justice of the peace, for their appearance, and shall appear on the day appointed, before the mayor or justices of the peace.

May give bail, &c.

Sheriff and gaoler bound to receive prisoners.

**420.** The sheriff and gaoler of the district of Montreal are bound to receive, and safely keep until duly discharged, all persons committed to their charge by the council, or any member or officer thereof under the authority thereof, or upon a warrant from the recorder, or arrested by a policeman or constable.

Council may acquire lock-up, etc.

**421.** The council may erect a building or obtain a suitable place for a lock-up for the temporary confinement of delinquents arrested by police-constables; and determine in the best possible manner, what supervision shall be exercised over the persons so confined, until such time as they are brought before the proper authority to answer to the charges and offences for which they were arrested and confined.

### § 3.--Government of the council and of its officers.

Council may :  
Regulate manner of conducting debates :

**422.** The council may, by by-law :  
Regulate the manner of conducting its debates, and the maintenance of order during the sessions of the council or of its committees :

Determine the date of the ordinary sessions of the council and the number of days they shall last; Determine date of sessions;  
 Define the duties of the officers of the council which are not determined by this act. Define duties of officers;

§ 4.—*Subsidies.*

**423.** The council may subsidize one or more railway companies, whose lines may offer advantages to the travelling public and for the transport of freight and which may further the progress of the city on suitable conditions. Subsidize railway companies;

**424.** It may aid in the building or repairing of any macadamized or paved road, railway or other public work, situate, in whole or in part, within the city or its vicinity. Assist building, &c., of roads, &c ;

**425.** It may aid one or more persons or firms or joint stock companies already established or to be established, which carry on or propose to carry on any trade or industry in the city. Assist persons to carry on trades, &c.,

**426.** The council may agree with any person, firm, association or company which has already established or proposes to establish any industry or manufacture, to grant a certain sum payable annually, for a period not exceeding ten years, as commutation for all taxes on the property used for such industry, as well as on such industry itself. Grant commutation of taxes to assist industries:

It may also, with a view of encouraging such industry or manufacture, exempt such property or industry from all taxes for a period not exceeding ten years. Exempt property for certain time from payment of taxes;

**427.** The council may, by by-law, exempt from municipal taxes, in whole or in part, for a period not exceeding twenty years, any industry, trade, manufacture or factory to be established within the limits of the city, as well as the land and immovables required for the use of such industry, trade, manufacture or factory. Exempt for certain time from taxes any new industry.

No exemption can extend to the work to be done or apportionments for work to be done to water-courses, drains, line ditches, fences, front roads or streets. Exemption not to extend to certain rates.

**428.** The aforesaid subsidies may be granted :

1. By taking, subscribing and paying for, in money or city debentures, shares in companies already formed or projected and for which such subsidies are intended; How subsidies may be granted.
2. By giving or lending money, immovable property or city debentures bearing interest, or both interest and sinking fund, to such persons or companies, or to the Federal or Provincial government ;

3. By guaranteeing, by endorsement or otherwise, any sum of money borrowed by such persons or companies or by the said governments.

**Council may receive security when granting subsidies.** **429.** When the council grants a subsidy in virtue of this act, it may receive hypothecary or other security for the performance of the conditions contained in the by-laws passed to that effect.

**By-laws under this act may include provisions for sinking fund and interest.** **430.** Every by-law passed in virtue of this act may include the levying and collection of a special tax upon all the taxable property to cover the sinking fund and interest, which shall not exceed five per cent.

**Certain by-laws to determine nature and conditions of grant.** **431.** By-laws made in virtue of articles 423, 424, 425 and 428 shall determine the nature of the aid to be given and the conditions under which it is granted.

**By-laws under certain articles to remain in force for certain time.** **432.** By-laws passed by the council, in virtue of articles 423, 424, 425 and 428, remain in force for twelve months after they are finally adopted ; they become null if, during that time, the interested parties do not avail themselves thereof, unless it be otherwise provided in the by-laws themselves.

**By-law under certain articles if granting more than certain sum to be submitted to electors for approval.** **433.** Every by-law passed by the council, in virtue of articles 423, 424, 425 and 428, when the sum granted, lent or to be guaranteed, exceeds the amount of one thousand dollars in capital, shall, before being finally sanctioned by the council, be submitted for the approval of the municipal electors of the city who are real estate owners, at a general meeting held within thirty days after the by-law is passed by the council.

**If certain time lapses, benefits may be conferred upon others.** **434.** If, at the expiration of six months from the final passing of the by-laws granting subsidies, the interested parties have not availed themselves thereof, the council may, upon a three-fourths' vote of the members assembled in a special meeting, give the benefit of the same to one or more other persons or companies already founded or projected.

**Provision in case parties exempted do not comply with conditions.** **435.** In cases where those who have received a subsidy from the city do not comply or cease to comply with the conditions and guarantees stipulated by the by-law, the council may recover the amount of the loan or subsidy so granted, or the value thereof, by privilege upon the moveables and immoveables of the manufacturers or companies, as in the case of a municipal tax and with the same priority, unless it specially renounces such privilege.

§ 5.—*Indemnities, reliefs and rewards.*

**436.** The council may indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the limits of the city. Council may : Indemnify for property damaged by rioters, &c. ;

The council is authorized to levy, over and above any other tax, on the taxable property of the city, the amount which the corporation may be bound to pay for damages occasioned to property by rioters or persons riotously assembled. Levy amount of damage ;

In default of the council paying such damages within six months, according to the award of arbitrators, the corporation may be sued before any competent court for the damages so occasioned. Sue to re- cover da- mages after certain time.

**437.** The council may relieve any person who has received any wound or contracted any sickness or disease working to stop a fire ; Relieve persons wounded, &c. at fires ;

**438.** Grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from drowning, or from a serious accident ; Grant rewards for meritorious action at fires &c. ;

**439.** Provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavoring to save the life of a fellow-creature ; Provide for wants of family of any persons losing his life at fire &c. ;

**440.** Contribute to the maintenance or support of poor persons residing in the city, who, from infirmity, age, or other causes, are unable to earn their own livelihood, and exempt them from the payment of taxes and water-rates ; Contri- bute for sup- port of aged persons, &c. ;

**441.** Establish and maintain poor-houses, houses of refuge, or other establishments for the support and relief of the destitute ; and to aid charitable and educational institutions established in the city ; Establish poor-houses, &c. ;

**442.** Offer and give rewards for the discovery and arrest of persons who have committed criminal offences. Offer re- wards for discovery of criminals, &c. ;

§ 6.—*Licences for the sale of liquor.*

**443.** The council may prohibit the sale of all spiri- tuous, alcoholic, vinous or intoxicating liquors to women children, apprentices or servants ; Council may prohibit sales of liquor &c., to certain persons ;

**444.** Prohibit the sale of spirituous, vinous, alcoholic and intoxicating liquors or allow the same under proper conditions and restrictions ; Prohibit sales of liquor &c. ;

Limit number  
of license &c;

**445.** Limit and determine the number of licenses which, the collector of provincial revenue for the district may grant for the sale of intoxicating liquors in taverns, inns and other places of public entertainment or in shops and stores ;

Regulate shop  
keepers, &c. ;

**446.** Regulate shopkeepers, innkeepers and other persons who retail liquors, as the council may deem expedient, in order to prevent drunkenness and disorder by day and by night.

Sum payable  
on confirma-  
tion of tavern,  
&c., certifi-  
cates.

**447.** A sum of twenty five dollars is payable to the town of Ste Cunegonde for every confirmation of a certificate for obtaining an inn, restaurant, hotel, shop or store licence for the sale of spirituous liquors.

When by-laws  
under prece-  
ding articles  
come into  
force.

**448.** Every by-law passed under the preceding articles, either for prohibiting or limiting the sale of intoxicating liquors and the granting of licenses to that effect, or for repealing a similar prohibition or limitation by-law, comes into force only from the first of May following its promulgation, provided however that an authentic copy has, before that date, been sent to the collector of provincial revenue of the district.

## TITLE XI.

### STREETS AND HIGHWAYS.

Maps &c., of  
wards, when  
confirmed by  
Superior  
Court, to be  
binding on  
the corpora-  
and persons  
interested.

**449.** Every plan or map of a ward, already made or which may hereafter be made, when confirmed by the Superior Court, is binding upon the corporation, and the proprietors therein interested, and upon all other persons whomsoever ; and no indemnity or damage can be claimed or granted at the time of the opening of any of the new streets, public places or squares, shewn on the said plan, or at the time of the widening of any of the streets, public places, or squares indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons whomsoever may have made, or caused to be made, after the confirmation of the said plan, upon any land or property, reserved either for new streets, public places, or squares, or for the widening of any of the streets, public places, or squares of the city ;

Proviso.

Provided that nothing contained in this act shall be construed as depriving the corporation of the right of widening or extending any of the streets, public places, or squares designated in such plan, after its confirmation or of abandoning the opening of any new street or the widening or extending of any existing street, as shown on the said plan ;

But no such modification or alteration shall be made unless it be resolved upon at a meeting of the council at which the majority of the members are present, upon a petition to that effect from a majority of the proprietors in the street or part thereof proposed to be changed, and thereupon any of the judges of the Superior Court may, upon the petition of the corporation, order that the duplicates of said plan, deposited as hereinafter provided, be modified or altered accordingly.

Modifications  
how resolved  
upon.

**450.** A duplicate of each of the said plans shall be deposited, immediately after its completion, in the office of the prothonotary of the Superior Court, and another in the archives of the corporation; and, when such plans shall have been confirmed and ratified by the said court, the city clerk shall make an entry upon the duplicate of the said plans, deposited in the archives of the city, in the following words: "confirmed by the Superior Court on the            day of            one thousand eight hundred and            ."

Duplicate to  
be deposited  
in office of  
prothonotary.  
Entry thereon  
when homo-  
logated.

**451.** The city may open to the public any new street, highway, public place, or square, shewn on the said plans or maps; and also may widen any of the streets, public places or squares thereon indicated as to be widened, after having adopted, however, the formalities and procedure hereinafter prescribed relative to the mode of expropriation and the levying of special assessments; and may also open, extend or widen any street, public highway, place or square, or acquire property for the establishment of markets, police stations, or for any other municipal purpose; and may also, at the same time, determine that such improvements shall be made out of the city funds, or that the cost thereof shall be assessed, in whole or in part, upon the immoveables belonging to parties interested in, and benefited by such improvement; and for that purpose the city may acquire, take and enter upon any land, ground or immoveable property in the city, in the manner hereinafter provided.

City may open  
streets, &c.

Determine  
how cost  
shall be paid.

**452.** The city may also open, fix the grade and level, or widen streets or highways and extend the same, and establish public abattoirs, parks, squares or hospitals, beyond the city limits, and may acquire any land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed, in and by this act, for the acquisition of land for similar improvements in the city; but, before exercising any of the powers hereby conferred upon it, the city shall obtain the consent of the municipality within the limits of which such powers are to be exercised.

City may  
extend &c.,  
streets &c.,  
establish  
abattoirs &c.,  
beyond city  
limits.

Consent re-  
quired.

City may  
cause streets  
etc., to be re-  
corded so as to  
become pub-  
lic, &c.

**453.** The city may cause such of the streets, lanes, highways and public squares, or any part thereof, as have been acquired by the city, or open for public use for ten years, and not heretofore recorded or sufficiently described, to be described and recorded in a book or register to be kept for that purpose by the city surveyor; and the same, when so entered of record, shall be deemed to be public highways or grounds; and an extract from such record or register, certified by the city surveyor and city clerk, shall, in all cases, be held and taken as conclusive evidence that such streets, lanes and highways are public.

Changes in  
names of  
streets, &c.  
to be notified  
to registrar  
of county.

**454.** If any change be made by the council in the name of any street or public square, the city surveyor shall report such change without delay to the registrar of the county.

Permission  
required be-  
fore railway  
can lay rails  
in streets.

**455.** No railway company can lay its rails in any street of the city without the permission of the council, except in so far as such rights may have been heretofore granted to it by the Legislature.

## TITLE XII.

### WATER-WORKS.

Council may  
maintain, &c.  
water-works;

**456.** The council may maintain, improve, increase, enlarge, alter or remove the present water-works or a portion thereof, with its appurtenances and accessories, within the limits of the city, and outside of the same within a radius of five miles.

May maintain  
existing by-  
laws, &c.

It may maintain existing by-laws, amend them and make others for the maintenance and administration of the water-works.

Council may  
make build-  
ings, &c.  
within certain  
radius for  
water-works.

**457.** The council may make, construct, lay and maintain, within its limits, and outside of the same within a radius of five miles, all buildings, machinery, reservoirs, basins, pipes and other works necessary to conduct water throughout the city and parts adjacent, as aforesaid, as well as in the River Saint Lawrence and Rivière St. Pierre.

Powers of  
council for  
water-works  
extend to  
certain radius.

**458.** The powers of the council for conducting water throughout the city and for the construction and maintenance of all buildings, machinery, pipes, reservoirs, basins and other apparatus and works, extend beyond the limits of the city within a radius of five miles and over the River Saint Lawrence or the Rivière St. Pierre.

**459.** For the purposes of the water-works, the council may acquire and hold any land, servitude, and usufruct in the city, or within a circuit of five miles from the city limits; acquire a right of way wherever it may be necessary; pay any damages occasioned by such work either to buildings or lands; pass over and lay its pipes or other apparatus in the River Saint Lawrence or the River St. Pierre, and take all steps necessary to protect all apparatus or works which may be laid or made.

Power of council to hold land, &c. for water-works.

**460.** The council may prevent all persons from throwing filth, placing obstructions or committing nuisances, or from anchoring, placing or wintering any boat, or other vessel within a radius of four hundred feet above and fifty feet below the place where the water of the water-works is drawn from the river or from any other place where it may draw the same hereafter.

Council may prevent filth being thrown in water-works, &c.

**461.** The council may enter into contract with any person for the construction of said works in whole or in part; superintend by its officers the works when completed; enter, during the day time, upon the lands of private individuals or others for the purposes aforesaid, and make excavations, and take and remove stones, soil, rubbish, trees, roots, sand, gravel, or other materials, but by paying or offering a reasonable compensation for such materials, and by conforming in all things to the provisions hereinafter made.

Council may contract for construction of water-works, &c.

**462.** When the parties cannot come to an amicable arrangement with respect to the acquisition of any immovable property for the water-works, either within or without the city limits, or the right of way through such property, or any servitude thereon, the same may be acquired by expropriation in the manner herein provided with respect to expropriations generally.

Expropriation for purposes of water-works.

**463.** The city may enter upon any land or property, street or highway, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

Power to enter land for purpose of laying, &c. pipes, &c.

**464.** If any person prevents the city, or any person in its employ, from making any of the said works, or from exercising any of the powers and rights hereby granted to it, or embarrasses, or interrupts them in the exercise of such rights, or causes any injury to the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, or any portion thereof, such person is liable, in addition to the fine im-

Persons preventing city from making works liable to damages in addition to fine under articles 283 and 284.

posed under articles 283 and 284, to the damages that the city may suffer from any such act ; such damages, with costs, may be recovered by complaint or suit before the ordinary courts having jurisdiction in the matter.

Penalty on persons using water without consent of corporation.

**465.** Whoever applies, or causes to be applied, any pipe or conduit to communicate with any pipe or conduit belonging to the said corporation, or whoever obtains or makes use of the waters belonging to the said corporation, without its consent, shall incur and pay to the corporation the sum of one hundred dollars, with also another sum of four dollars, for each day during which such pipe shall be so applied ; which said sums, with the costs of suit incurred in that respect, may be recovered by civil action before any court of justice having jurisdiction to that amount.

Power of council to make by-laws: To prohibit occupants of houses &c., from furnishing water to others &c ;

**466.** The council has full power to make by-laws for the following purposes :

To prescribe size of pipes, &c ;

1. To prohibit any occupant of a house or building supplied with water from the water-works, from furnishing water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed for, or from wasting it ;

To regulate price of water ;  
To prevent pollution of water, etc ;

2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the city ; provide that hydrometers to be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein ; and fix the amount of the annual rent to be paid therefor ;

3. To regulate and establish, by a tariff, the price of the water, and the time and mode of payment therefor ;

4. To prevent the pollution of the water in the aqueduct or reservoirs, and the practising of frauds upon the city, with regard to the supply of water from the water-works ;

To make general regulations respecting water-works. Notice to be given when corporation is ready to supply water and effect thereof.

5. And for any other matter, or thing of any nature or kind whatsoever, having reference to the water-works.

**467.** As soon as the corporation is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given ; and after such notice, all persons liable to the payment of water-rates in such part of the city, whether they consent or not to receive the water, shall pay the rates fixed by the tariff.

Water by whom introduced and by whom distributed.

**468.** The introduction of the water into houses or other buildings is performed by the city ; but the distribution of the water through such houses or buildings, after being thus introduced into them, is made by and at

the expense of the proprietors or occupants ; but in all cases where such house or building stands at a distance from the line of the street, the city lays the distribution pipe to the line of the street and has the right to exact payment of the water-rates from the proprietor, although the latter refuses or neglects to connect such pipe with such house or building.

**469.** If any proprietor refuses or neglects to make such distribution, and the council exacts payment of the water-rates from the tenant, then such tenant may withhold from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him, unless otherwise provided in the lease.

Tenant may withhold from rent water rates in certain cases.

**470.** If any person causes any water pipe, valve, cock, cistern, water-closet, bath, or other apparatus to be out of repair, or to be so used or contrived as that the water supplied from the water-works, be wasted, or unduly consumed ; or if he refuses or neglects to pay the rates lawfully imposed for the water supplied to him, for thirty days after the same are due and payable, the city may cut off the water and cease the supply so long as the cause of complaint is not removed ; which shall not prevent the rates from running as before, or exempt such defaulter from the payment of such rates, as if the water continued to be supplied to him.

Water may be cut off in certain cases.

**471.** The city may make a special agreement with consumers for the supply of water, in special cases where it is considered that there is more than the ordinary consumption of water.

Special agreements as to water supply may be entered into.

**472.** In all cases of a dwelling house or other building being tenanted by two or more tenants, sub-tenants or families, the city may require from the proprietor, that a separate and distinct service pipe be by him provided for each such tenant, sub-tenant or family, occupying separate apartments, so that the city may at all times have control over the supply of water furnished to each such tenant, sub-tenant or family, the same as is practised in cases of houses having a single tenant ; and if the proprietor, after being notified in writing to that effect by the superintendent of the water-works, refuses or neglects to comply with the requirements hereof, within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, sub-tenants or families, and such liability, on the part of the proprietor, shall continue so long as he does not comply with the requirements aforesaid.

Corporation may require separate pipes for separate tenants &c.

Proviso if proprietors neglect so to do.

Application  
to proprietor  
of range of  
dwelling  
houses.

**473.** Such liability shall apply to any proprietor of a range of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid ; such liability also applies to the proprietor in all cases where the number of tenants, sub-tenants or families in a dwelling-house, is such that it is impossible to provide a separate service pipe for each of them ; and it shall be lawful for the corporation, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, sub-tenant or family.

City not  
bound to guar-  
antee water  
supply.

**474.** The city shall not be bound to guarantee the quantity of water to be supplied, and no one can refuse to pay the annual tax or compensation for the use of the water, on the ground of the insufficiency of the supply thereof or the want of water owing to cold or other causes.

City author-  
ized to enter  
into agree-  
ments respect-  
ing water-  
works of Ste.  
Cunégonde  
and St Henri,  
&c.

**475.** The city of Ste. Cunégonde of Montreal is authorized to enter in to all contracts or agreements which it may deem necessary and useful with reference to the ownership, management or working of the water-works of Ste-Cunégonde and St-Henri and other adjoining municipalities.

Town of St.  
Henri autho-  
rized to enter  
into agree-  
ments for the  
purchase of  
water-works  
in town and in  
Turcot vil-  
lage.

**476.** Whereas it would be advantageous for the town of St. Henri to purchase the whole or a portion of the rights in the water-works situate in the town of St. Henri and Turcot village, heretofore the property of Messrs. Berger and Béique and now vested in the city of Ste Cunégonde of Montreal, as well as in the appurtenances of such water-works, which appurtenances are situated partly in the city of Montreal and partly in the city of Ste Cunégonde of Montreal ; whereas it would be advisable to remove all doubts as to the interpretation of existing laws, the town of St. Henri is authorized, by its council to enter into all contracts, covenants or agreements which may be deemed necessary and useful for the purchase of the whole or a portion of the rights in the said water-works and appurtenances.

## TITLE XIII.

### FINANCES.

Fiscal year.

**477.** The fiscal year in the city of Ste. Cunégonde of Montreal shall commence on the first of January, and terminate on the last day of December, in each year ;

but the taxes and assessments, and the water rates shall be held to be imposed and levied for the period of time comprised between the first day of May of each year and the same date of the subsequent year. Term for which assessments are levied.

**478.** Every year during the first week of January, the finance committee shall make an *interim* appropriation for the ordinary current expenses of the city, during the period of the fiscal year, between the said first day of January, and the making of the appropriation hereinafter provided for ; which, on being approved by the council, will have force until such last mentioned appropriation is made. Interim appropriations for year, when to be made.

Thereafter, on or before the first day of May, the council shall made an appropriation of the amounts necessary to meet the expenditure of the current fiscal year, by providing : Appropriations thereafter and what to provide for.

1. For the payment of the interest on the debt due by the city, and for such sum as shall be required during the year for the sinking fund ;

2. For the general and ordinary expenditure of the city ;

3. For the cost of contemplated improvements ;

4 For a reserve of not less than five per cent on the gross revenue of the preceding year to be used exclusively to meet unforeseen expenditure.

**479.** Such appropriation shall never exceed the amount of the receipts of the preceding year, added to the balance of such receipts remaining unexpended. Appropriations not to exceed certain sums.

**480.** It shall not be lawful for the council to expend any greater sum of money in the aggregate than the total amount so appropriated, except in the cases and under the conditions hereinafter set forth ; but it may, at any time, vary the application of the sum appropriated to any committee. to any other purpose within the jurisdiction of such committee. Council not to expend over appropriations. Proviso.

**481.** Any member of the council who joins in sanctioning the expenditure of any sum of money beyond the amounts so appropriated and the amounts at the disposal of the council, or of any committee, in conformity with the foregoing articles, is personally responsible therefor. Members to be responsible for such over expenditure.

**482.** In cases of urgent necessity, the council may, by by-law, make any appropriation it may think necessary beyond the amounts at its disposal ; provided that, by such by-law, an additional assessment shall be imposed, payable during the course of the year in which such by- Appropriations in cases of urgency.

law is passed, and sufficient to cover the amount so appropriated ; which assessment shall be imposed, recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act.

Certain articles not to apply to water-works.

**483.** Articles 478, 479, 480, 481 and 482 do not however apply to the revenues from the water-works, which are set apart for the expenses daily incurred in the management of the affairs of the city and for the working, maintenance and improvement of the water-works of the city and of St. Henri.

#### TITLE XIV.

##### LOANS.

Council may borrow for improvements.

**484.** The council may borrow, various sums of money, for the purpose of improvements in the city, and generally for all objects within the scope of its authority.

Provisions may be made for sinking fund and interest.

**485.** Whenever the council shall contract a loan by means of debentures, it may immediately provide, from and out of the revenues of the corporation, for the payment of the annual interest, and for the establishment of a sinking fund of at least one per cent per annum.

Rate of interest on debentures.

The annual rate of interest shall in no case exceed the legal rate of interest in this Province.

Investment of sinking fund

**486.** The sinking fund shall be invested in the purchase of public securities belonging to the Dominion or to the Province, or in the redemption of bonds issued by the corporation, or may be deposited in a bank.

Deposit of amounts of sinking fund with lenders.

**487.** The council may, if the lenders consent thereto, deposit in their hands the sums intended for such sinking fund.

Receipts to define sum so deposited.

In such case, the receipts given to the council shall be so drawn as to define what amount shall have been given for interest, and what amount paid into the sinking fund.

Council may issue promissory notes, &c.

**488.** The council may, by resolution, issue promissory notes with or without interest, payable at such places and on such terms and conditions as it may deem expedient, to settle accounts or other current matters.

Payment of floating debts, &c.

**489.** The council may always, upon a favorable report of the finance committee, make by-laws for authorizing the issue of debentures or promissory notes to pay floating debts or meet engagements contracted or to re-

new or redeem, on more advantageous conditions, any debentures in circulation.

**490.** It may issue debentures, with coupons of the same date and tenor, to the amount of the total debt of the city, in order to consolidate the same; and all debentures so issued shall be equally privileged upon all the moveable and immoveable property in the city.

Debentures may be issued to consolidate city debt.

**491.** The notes of the corporation are signed by the mayor and the secretary-treasurer.

Notes by whom signed.

**492.** The debentures are signed by the mayor and secretary-treasurer; but the signature of the mayor may be lithographed upon the coupons.

Debentures by whom signed.

They shall be sealed with the seal of the city,

Seal thereon.

**493.** The debentures can never be for less than one thousand dollars currency, or the equivalent thereof in foreign currency.

Amount of debentures.

**494.** The debentures of the city may be made payable to order or to bearer, on the terms and conditions and at the places specified by the resolutions or by-laws authorizing the same.

Debentures how payable.

They shall bear coupons for the amount of the half-yearly interest, at a rate not exceeding six per cent per annum.

Coupons.

The coupons may also cover a sinking fund.

Coupons for sinking fund.

**495.** The principal and interest of every note, bond or debenture, are secured on the general funds of the corporation.

Security for notes, bonds, &c.

**496.** The total issue of debentures of the city, as well as the amount representing the floating debt, shall never exceed in capital amount, a sum of over twenty per cent of the total estimated value of taxable real estate in the city according to the last valuation roll then in force.

Total amount of debentures that may be issued.

**497.** In the event of a reduction in the estimated value of the taxable real estate in the city, as shown on the valuation roll, after the total debt of the city has reached the maximum authorized, the council cannot incur further debts, and it cannot, in such case, exceed, for the annual expenditure and disbursements, the amount of revenue actually collected during each year.

If estimated value of real estate shows a reduction no further debts to be incurred. Annual expenditure in such case.

**498.** Each member of the council, as well as the secretary-treasurer shall be held personally responsible for his share of the deficit; and any rate-payer may sue for the

Responsibility of members of council, &c., for

share of deficit. recovery of such sum, which shall revert to the municipal treasury.

Sinking fund. **499.** In creating a sinking fund for the municipal debt, the council may provide for the redemption of the debentures of the city or of those of other municipal corporations.

Application of moneys from sale of lands, &c. **500.** No moneys derived from the sale of land, bonds, shares or securities deposited in an incorporated bank, or destined for the sinking fund, shall be withdrawn for the purpose of being appropriated to a different object, without the passing of a by-law, sanctioned by the Lieutenant-Governor in Council.

Preamble respecting Ste. Cunégonde and St. Henri water-works. **501.** Whereas the town of Ste. Cunégonde, duly authorized by the act 52 Victoria, chapter 84, has acquired from the proprietors of the water-works of Ste. Cunégonde and St. Henri, all the rights and privileges, which the said proprietors possessed in the said water-works, in Ste. Cunégonde and St. Henri and other adjoining municipalities ;

Whereas the said town, by the said act, and by its by-law No 44 passed on the second of October, one thousand eight hundred and eighty-nine, and submitted and approved by the majority in number and in value of the electors who are property holders on the twelfth and thirteenth days of October, one thousand eight hundred and eighty-nine, is authorized to effect a loan and to issue bonds or debentures to the amount of four hundred thousand dollars ;

Corporation may issue bonds for acquisition thereof. The corporation is authorized, notwithstanding any provision to the contrary, by a resolution of its council to issue bonds or debentures to the amount of four hundred thousand dollars on the terms, charges and conditions contained in the said by-law No 44.

Application of proceeds of such debentures. The proceeds of such debentures shall be appropriated to the payment of such water-works and other purposes of public interest.

Debentures to be a privileged claim on water-works. Such debentures shall be a privileged claim and lien upon the immoveables and accessories which may constitute the said water-works in the city of Ste. Cunégonde of Montreal,

## TITLE XV.

### TAXATION

Council may levy: **502.** The council may make by-laws to impose and levy :

1. An assessment on every lot, town lot or portion of a lot, whether built upon or not, with all buildings and erections thereon, as well as upon all gas pipes or others and their accessories, whether placed over or under the soil, not to exceed one cent in the dollar of the actual value of such property, as shewn in the assessment roll of the city, for which assessment the owner thereof shall be personally liable; Assessments on town lots, lots, &c. ;

2. A special tax upon carters doing business in the city ; upon proprietors of horses, vehicles and dogs, for each horse vehicle or dog ; upon brokers, money-lenders or commission merchants, upon pawn-brokers and auctioneers ; upon clubs ; upon the proprietors or occupants of houses of public entertainment, hotels, saloons, inns, coffee-houses, and restaurants, temperance hotels, and upon all dealers in spirituous liquors and upon all pedlars and itinerant traders selling or offering for sale in the said city articles of commerce of any kind whatsoever, and upon all proprietors, possessors, agents, managers or occupants of theatres, circuses, menageries and minstrels, and upon all public places of amusement kept open for profit ; upon billiard tables, mississippi or pigeon hole tables, bowling alleys and other similar games ; upon all livery-stable keepers, and upon all grocers, bakers, butchers, hawkers, hucksters, brewers, distillers, and upon all traders and manufacturers and their agents, and upon all proprietors and keepers of wood-yards, coal yards and slaughter-houses in the city, and upon all building societies, and upon all insurance companies and their agents and employees, whether they reside in the city or not, and upon all gas, telegraph or telephone companies doing business in the said city, and generally on all commerce, manufactures, callings, arts, trades and professions which have been or may be introduced or exercised in the said city ; and the amount of such annual dues or tax or taxes shall be fixed and determined by one or more by-laws of the said city or by resolution of the council and shall be fixed and determined by the council at its discretion, either in certain cases by a specified sum, or in other cases by a percentage upon the annual value of the property and premises occupied by the said parties in the city, and in or upon which they do business or carry on or exercise such trade, manufacture, occupation, business, art, profession or means of livelihood or profit ; provided that in no case, shall any of such amounts exceed three hundred dollars per annum. Special tax upon certain trades, business, callings, and occupations. How taxes to be fixed. Proviso.

**503.** Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually and at the time fixed by such by-laws or resolutions. Taxes payable annually.

Cadastral  
number suffi-  
cient designa-  
tion of im-  
moveable.

**504.** The cadastral number, given to immovable property upon the official plan and in the book of reference for the territorial division in which such property is situate, is a sufficient description of such property in the assessment rolls to enable the city to levy the assessments thereon.

If subdivision  
of property  
not registered  
it may be as-  
sessed as a  
whole.

If registered  
it must be  
taxed on each  
lot.

**505.** Whenever the subdivision of such property has not been duly registered in the registry office, in the limits whereof such property is situated, the assessors may assess it as a whole, and it shall be lawful for the city to levy such assessments on the whole or on any part of such property ; if, on the contrary, a subdivision thereof has been duly registered, it shall be the duty of the assessors to assess each subdivided lot separately.

Tax payable  
under art. 502  
§ 2, to be pay-  
able for each  
establish-  
ment.

**506.** The tax imposed, under paragraph 2 of article 502, on trades, business or occupations, is payable for every establishment of such trade, business or occupation in the city, when it shall be carried on by the same person, firm of persons or company in two or more distinct and separate buildings or places of business.

Special tax  
may be in  
form of  
license.

**507.** Every special tax imposed as aforesaid may, in the discretion of the council, be imposed and levied in the form of a license ; and thereupon such tax shall be payable annually, at such time, and under such conditions and restrictions as the council may determine.

✱

Taxes upon  
partners, &c.,  
how to be  
levied.

**508.** In the case of any tax imposed on the partners of a firm or company of merchants, in respect of the business of such firm or company, such tax may be claimed and recovered in the manner described for the recovery of assessments or taxes imposed by the council, either against such partner, or against the firm or company of which he is partner.

Exemption  
from taxes.

**509.** Churches are exempt from all taxes ; parsonages, the bishop's palace, charitable institutions, free public libraries, and schools under the control of the Catholic and Protestant school commissioners, and other educational establishments, are exempt from the ordinary and annual assessments, but not from special assessments or water rates ; the word " parsonages " shall apply to any house occupied as a residence by the officiating priest or minister of any church in the city, either as proprietor or tenant ; provided, however, that but one parsonage for each church shall have the benefit of the exemption.

**510.** When any immoveable property, within the city, is exempt from the payment of the ordinary and annual assessments, either under this act or under any other law or statute, and is occupied by any person otherwise than in an official capacity connected with the ground of such exemption, the tenant or occupant of such property is assessed in respect thereof to the extent to which such property would have been chargeable if not exempted, but the property itself shall not be liable for such assessment.

If property exempt from taxation is occupied by tenant other than officially, tenant to pay the taxes.

**511.** Every license signed by the secretary-treasurer gives the bearer thereof the right to carry on his art, trade or industry for the period determined by by-law.

Effect of license.

**512.** All sums of money or revenues not specially appropriated form part of the general funds of the city, as well as every surplus from special revenues.

All moneys not appropriated fall into general funds.

**513.** All sums of money forming part of the general fund of the city may be employed for any purpose within the scope of the council.

Appropriation of general funds.

**514.** All fines recovered under this act shall be paid into the hands of the secretary-treasurer, and the proceeds of all licenses granted under this act form part of the fund of the city, any law to the contrary notwithstanding

Fines to whom to be paid.

## TITLE XVI.

### COLLECTION OF TAXES AND ASSESSMENTS.

**515.** The council, in March of each year, appoints six assessors, with power to the council to increase or diminish their number, from time to time, by by-law ; and thereafter the council may dismiss any of them who fail in the performance of his duty ; and may fill any vacancy which may occur in their number ; and such assessors hold office till their successors shall have been appointed.

Appointment, &c., of assessors.

The remuneration of such assessors is fixed, from time to time, by the council.

Their remuneration.

Prior to acting as such, the assessors take and subscribe before the mayor or any alderman the oath of office in the form H.

Their oath of office.

**516.** The assessors, every year, value and assess all immoveable property in the city, and make return also of the names of all persons liable to pay any tax or assessment, specifying the amount payable by every rate-payer, according to law.

Their duties.

Basis of assessment.

**517.** In assessing immoveable property, they take, as the basis of their assessment, the actual value of such property at the time of making the assessment; they moreover specify and include, in the assessment roll, the *bonâ fide* rent of such property, or if they consider that such rent does not represent, or is disproportionate to, the annual value of such property, they insert, in the assessment roll, the actual value thereof.

If property occupied by owner.

If the property is occupied by, or is in the possession of the owner, they determine the rent, according to the amount at which, in their judgment, the property might be rented, or ought to produce, if rented; provided always that the council may fix an amount as the basis of valuation, during a given number of years, not to exceed twenty-five years, for the assessment to be levied on property in the city held by any railway company and used as workshops for the manufacture, on a large scale, of cars, locomotives or machinery.

Proviso.

Assessment of property held *par indivis* in certain cases.

**518.** When the assessors assess property possessed *par indivis* by more than one person, or the partition whereof has not been registered in the registry office, it is lawful for them to designate such property as belonging to the "*Estate of*," mentioning the name of the *auteur* of the interested parties, or the name of one of the co-proprietors thereof; and the co-heirs, in the case of a succession or co-proprietor, so named, as the case may be, shall be held to pay the assessment; saving their or his recourse against any other person liable therefor.

Rules for guidance of assessors.

**519.** The finance committee may, from time to time, make rules and regulations regulating and determining the time when the assessors shall annually begin their duties, the manner in which they shall perform them, and generally prescribe, regulate and determine their duties and obligations in all respects.

Penalty for not answering or misleading assessors.

**520.** Any person who refuses to reply to the questions which are put to him by any assessor in the discharge of his duties, or who gives him information which he knows to be false, or who insults or assaults such assessor, or refuses to allow him, in the discharge of his duties, to enter in or upon his property, or the premises occupied by him, incurs for each offence a penalty not exceeding twenty dollars, to be recovered before the recorder's court.

Notice of completion of assessment roll.

**521.** Upon the completion of the assessment roll of any ward or wards, the assessors give notice of such completion, specifying in such notice the delay for examining such assessment roll, which shall not be less

than eight days from the date of such notice and fixing the days on which such assessment rolls will be revised respectively.

**522.** On the days fixed by such notice, the assessors meet in their office in the city hall, and hear and examine all complaints that may be brought before them, in conformity with such notice, respecting any entry in such assessment roll, and may adjourn from time to time, as may be necessary to hear and determine such complaints; and it is the duty of the assessors to hear and examine, on oath, such person, and any witnesses appearing before them; and they must consider all evidence adduced touching such entry, and thereupon, as the case may be, confirm, or amend such entry; and they must notify the complainant thereof, by causing a written or printed notice to that effect to be mailed to him through the post office.

Proceedings  
at revision.

No complaint, as to any entry in any assessment roll, shall be received after the day fixed for the examination and revision of such roll.

Complaints  
not to be  
received after-  
wards.

The assessors keep a summary record of their proceedings upon all complaints made to them.

Record to be  
kept of pro-  
ceedings.

**523.** Any rate-payer having complained of any entry, who may think himself aggrieved by the decision of the assessors, may thereupon, within one week from the date of the mailing of such notice, appeal from such decision by petition to the recorder's court, which has jurisdiction in all such cases.

Appeal to re-  
corder's court  
from decision  
of assessors.

All such petitions, together with a certified copy of the proceedings had in each case before the assessors, are filed with the clerk of the recorder's court, who gives each petitioner due notice of the day and hour when the said court will proceed to hear and determine the merits of the complaint, for which purpose evidence may be adduced on both sides, upon the matters at issue.

Proceedings  
before recor-  
der's court.

**524.** Any party, aggrieved by any decision of the recorder's court upon such appeal, may apply by summary petition for a revision thereof, to any one of the judges of the Superior Court, either in term or vacation, within a delay of eight days from and after the date of the rendering of such decision; and thereupon such judge may order that the record of the proceedings of the recorder's court on the complaint, together with the complaint itself and the evidence adduced before such court, be transmitted to him; and upon receipt thereof, he shall, after having heard the parties, either in person or by attorney, give such order as to law and justice may appertain.

Appeal from  
recorder's  
court.

Proceedings  
upon such  
appeal.

Roll to be de-  
livered to  
city treasurer  
when revised.  
Effect thereof.

**525.** When the assessors have completed the examination and revision of the assessment roll of any ward, they deliver the same, certified and signed by them to the city treasurer ; and thereupon, except in respect of any case appealed from, such roll becomes binding upon all persons named or assessed therein, and they are held to be indebted to the city in the sums fixed by such roll respectively.

Notice to be  
given of such  
delivery of  
roll.

**526.** Upon the delivery by the assessors of such assessment roll for any ward, or of any roll of assessment, made under the provisions of this act, the city treasurer gives public notice thereof (in the form J.)

Notice to per-  
sons who do  
not pay as-  
sessment  
within certain  
time.

**527.** If, at the expiration of ten days from the date of the last insertion of such notice, any tax, or assessment remains unpaid, the treasurer causes to be mailed to the last known address of the person owing such tax or assessment, a statement of the taxes and assessments due, and shall, at the same time, in and by a notice annexed to such statement, demand payment of the taxes or assessments therein mentioned (in the form K.)

Execution to  
issue, if taxes  
not paid after  
certain time  
after notice.

**528.** If any ratepayer neglects to pay the amount of taxes, or assessments due by him, for the space of fifteen days after the mailing of such notice and demand, the treasurer may levy the same with costs and interest, by warrant to be issued by the recorder's court (in the form L) authorizing the seizure and sale of the goods and chattels of the person in default, or of any goods and chattels in his possession, wherever the same can be found in the city, saving the exemptions provided by law ; and no claim of ownership or privilege thereon shall be available to prevent the sale thereof for the payment, out of the proceeds thereof, of taxes or assessments due in respect of the premises in which such goods and chattels were or are located.

Opening of  
closed doors,  
&c.

**529.** If the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the seizing officer may, by an order of the mayor or the recorder or any justice of the peace, be empowered to cause the same to be opened by the usual means, in presence of two witnesses with all necessary force, without prejudice to coercive imprisonment, if there be refusal, violence or other physical obstacle.

Notice before  
proceeding to  
sale of effects  
seized.

**530.** Before proceeding to the sale of such goods and chattels, the treasurer gives notice (in the form M.) of the day and place of sale, and of the name of the debtor in

default, which notice is posted in a conspicuous place at the entrance of the city-hall, and a copy thereof mailed to the last known address of the person in default, at least forty-eight hours previous to such sale.

**531.** No larger quantity of goods and chattels can be sold than shall be sufficient to pay the amount of the debt, interest and costs; unless from the nature of the article seized it is impracticable so to limit such sale. Sale under distress not to exceed amount due.

If the goods and chattels seized are sold for more than the whole amount of the said taxes or assessments and the costs attending the seizure and sale, the surplus is returned to the person in whose possession such goods and chattels were, when the seizure was made; but if any claim for such surplus is previously made by any person by reason of any right or privilege thereupon, and such claim is admitted by the person against whom the seizure is made, such surplus is paid to such claimant; if such claim be contested, the surplus money shall be retained by the treasurer until the respective rights of the parties be determined by the recorder's court. Return of surplus in certain cases.

**532.** The provisions contained in the preceding articles as regards the collection of taxes and assessments shall apply *mutatis mutandis* to the collection of water-rates that may be due to the city. Preceding provisions apply to collection of water rates.

**533.** The moveables or effects to be sold under the provisions of this act, for the recovery of taxes, assessments or other dues, are put up to public auction, but such moveables or effects are exempt from auction duty and it is not necessary that they be sold by a licensed auctioneer. Moveables, &c., sold for taxes to be so sold by auction.

## TITLE XVII.

### SALE OF IMMOVEABLE PROPERTY FOR TAXES AND ASSESSMENTS.

**534.** It is the duty of the city treasurer to prepare before the first day of May, every year, a schedule containing: Schedule to be prepared by city treasurer.

A legal description of each immoveable in the city, on which at least two years arrears of taxes, assessments and water rates have accrued at the time of the passing of this act, or may hereafter become due, or on which any such taxes, assessments or water rates have been in arrear for one year, with the names of the proprietors, as they appear in the different rolls of assessment, or with a declaration that such proprietors are unknown; also with a statement of the amount due in each case of the interest accrued thereon, and of the costs incurred thereon, and of the costs incurred in respect thereof. Contents of schedule.

Notice to be given to debtor and owner of property at domicile.

If not known notice need not be given.

What is sufficient service of notice.

Definition of word "absent."

If taxes not paid within certain time, schedule to be given to sheriff who proceeds to sell property therein mentioned after notice.

Notice and what to comprise.

Publication, etc., of notice.

**535.** The city treasurer thereupon gives notice, by registered letter, to each debtor in default; and if the ownership of the property has changed after the imposition of the tax or assessment in arrear, also to the registered owner thereof; such notices to be addressed to the last known residence of the said parties, stating the amount due, and that such property will be placed in the hands of the sheriff for sale, in default of payment of the amount, within ten days from the mailing of such notice.

If the debtor or the registered owner has no known domicile within the Province of Quebec, then and in that case, the formality of the notice is not required.

**536.** When the entry of a cadastral number in the registry office does not specify its owner, or when the title to the property is not sufficiently clear to make known such owner, the service of the notice as aforesaid upon the last assessed owner, if residing within the city, is good and valid; and if he is absent, no such notice is required.

When the assessed immoveable is placed on the assessment roll as forming part of a succession, or as belonging to co-proprietors, the notice served upon any of the heirs or representatives of the said succession, or upon any of such co-proprietors, is sufficient.

Every person without a domicile or place of business in the city, is deemed to be absent, within the meaning of this act.

**537.** If the amount due upon any immoveable for taxes, assessments, or water rates is not paid within the said period of ten days, the city treasurer shall deliver such statement, duly certified under his signature, to the sheriff of the district of Montreal, who shall, without the formality of a *procès-verbal* of seizure, proceed to the sale of the properties described therein, after having published a notice thereof, as provided in the following article.

**538.** The notice to be given, as aforesaid, by the sheriff may be in the form N; it shall comprise as many immoveable properties as the sheriff has been required to sell, under the provisions hereof, for the levying of taxes, assessments and water rates in arrears, with costs and interest.

Such notice shall be published three times during two months, reckoning from the first publication, and before the day fixed for the sale, in the Quebec Official Gazette, and also in one English newspaper and one French newspaper published daily in the city of Montreal;

it shall also be posted, one month at least before the day fixed for the sale, outside the portico of the city hall and on the property to be sold.

**539.** Immediately after the publication of the said notice as aforesaid, the sheriff shall transmit, to the registrar of the registration division in which such immoveables are situated, a copy of the notice of such sale, and of the descriptive schedule of the properties to be sold; and the registrar shall proceed thereon, in the same manner as he is bound to do upon notices for seizures of immoveables made by the sheriff under writs of *feri facias de terris*. Copy of notice of sale to be sent to registrar. His duty thereupon.

**540.** Whenever any immoveable is offered for sale by the sheriff, under this act, he shall exact from the highest bidder, and before final adjudication, a sum equal to the amount of assessments or taxes due on such immoveable with interest and costs, and also the approximate cost of the judgment of distribution to be prepared by the prothonotary of the Superior Court; but if the amount bid is insufficient to cover such taxes and assessments, costs and interest, the amount to be deposited shall be only the amount of such bid; and should the last bidder refuse or neglect to make such deposit, then the sheriff shall resume the sale, beginning with the next highest bidder. Deposit to be required upon adjudication.

All the remedies or procedure applicable to sales by the sheriff under writs of execution, shall also be applicable to sales under this act. Procedure applicable.

**541.** Sales of immoveables as aforesaid shall take place on the fifteenth day of October in each year, or if such day be not a juridical day, then on the next following juridical day. When sales to take place

The immoveables shall be put up for sale one after the other, in the order in which they appear in the notice: and, if, on the day of the sale, no bid is made, or if all the properties cannot be sold on the day appointed, the sale shall be postponed until the following day, and so on, from day to day, until they be all sold. Order of sale

The proceeds of the sale of such properties shall be returned by the sheriff into the Superior Court, to be by the said court adjudged upon, distributed and ordered to be paid according to law. Deposit and distribution of proceeds.

**542.** No employee of the corporation shall directly or indirectly bid for, or become the purchaser of any of such immoveables; and if he shall do so, such bid or adjudication shall be void; and the sheriff shall proceed in due course to re-sell the immoveable, subject to the obligation of the employee to pay any costs or loss that may be caused by such re-sale. Employees of corporation not to become purchasers at such sales.

Procedure applies even if proprietors are unknown.

**543.** The procedure provided for in the preceding articles applies to all cases where the proprietors are unknown, except in so far as they require notice to be sent to, or served upon the proprietor; and such proprietors shall be designated on the notice as "unknown."

Privilege of taxes, &c.

**544.** All moneys which, from and after the passing of this act, become due to the city, for any tax, assessment or water rate, are privileged debts, and rank, without registration, upon the proceeds of the moveable, or immovable property in respect of which such debt is due, in the order fixed and determined in articles 1994 and 2009 of the Civil Code; provided always that such privilege does not extend beyond the amount due for three years, that is to say, for the year when such claim is made, and for the three years next preceding that year.

Extent thereof.

Interest on certain arrears of taxes and assessments.

**545.** Legal interest is hereby declared to have accrued and become exigible, from the date of the passing of the said act 47 Victoria, chapter 90, on annual taxes and assessments then due and payable to the said town, as well as upon annual taxes and assessments which have since become due and payable, and the same interest shall run upon all taxes and assessments, whether annual or special, which shall become due hereafter, from the date of their becoming due respectively.

And upon all future arrears, &c.

Interest not to be remitted.

Neither the said council nor any of its officers shall have power to remit any portion of the interest so accrued; however, the council may, every year, in its discretion, grant, by by-law, a discount at a rate not exceeding five per cent on all assessments, taxes and water rates paid after the making of the valuation rolls within the delay specified by the by-law.

Discount on certain payments.

Prescription of taxes, &c.

**546.** The right to recover any tax, assessment or water rate under this act is prescribed and extinguished, unless the city, within three years, in addition to the current year, to be counted from the time at which such tax, assessment or water rate became due, has commenced an action for the recovery thereof, or initiated legal proceedings for the same purpose under the provisions of this act; and the privilege, securing such tax, assessment, or water rate avails to the city, notwithstanding any lapse of time, for the recovery of any sum which may, by any judgment, be awarded to the city, for such tax, assessment or water rate; provided that in case any special assessment is made payable by annual instalments, the prescription runs only from the expiry of each such instalment.

Proviso.

**547.** In any judicial proceeding, the production of a receipt, stamped with the official stamp of the city, and purporting to be signed by the city treasurer, or other person for him, shall be held and taken as *prima facie* evidence of the payment of any tax, repartition, assessment, or water rate that may be due to the city.

**548.** Any person, not being the proprietor, who shall pay municipal taxes imposed in consideration of the immoveable which he occupies, shall be subrogated, without other formality, in the privileges of the corporation on the moveable and immoveable property of the proprietor, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs.

Tenants paying taxes for owner to be subrogated in corporation's rights.

## TITLE XVIII.

### EXPROPRIATION.

**549.** If any immoveable property is required for any improvement authorized to be made under the provisions hereof, the same may be acquired by agreement; but if such property is not so acquired, and after, or without any step, or proceeding being taken towards such acquisition by agreement, the same may be acquired by expropriation, and the price or compensation therefor fixed and determined in the manner, set forth in the following articles.

Acquisition of property for improvement, &c., by agreement.

By expropriation.

**550.** The city, by its attorney, shall give special notice, addressed through the post office, to the person in whose name the property to be expropriated was lastly assessed on the assessment roll as proprietor thereof, at his actual or last known domicile, and shall also give public notice to the effect that, on the day and hour mentioned in such notice, a petition will be presented on its behalf, to the Superior Court, in term, or to any judge thereof in vacation, including the months of July and August, praying the said court or judge, to choose and nominate three competent and disinterested persons, qualified as herein-after provided, to act as commissioners, to fix and determine the price or compensation to be allowed for every such immoveable, which shall be legally described in such notice; and thirty days at least shall elapse between the date of the last publication of such notice, and the day appointed for the presentation of such petition; and such notice shall also be posted, twenty days previous to the date of the presentation of the petition, in three different

Notice to be given by corporation and proceedings thereon.

places, upon each and every immoveable intended to be expropriated, or in the immediate vicinity thereof.

Appointment  
of commis-  
sioners.

**551.** The court or judge, to whom such petition shall be presented, shall appoint three commissioners qualified as aforesaid, and fix the day on which such commissioners shall begin operations, and also the day on which they shall make their report; but such times, respectively, may be extended for cause by the court or any judge thereof.

Property qua-  
lification of  
commis-  
sioner, &c.

**552.** No person shall be appointed or shall act as such commissioner, unless he is assessed in the assessment roll as proprietor of immoveable property of the aggregate value of at least five thousand dollars; and such person so appointed shall be entitled to the benefit of the exemptions accorded by law to persons summoned as jurors, and unless so exempted and after service upon him of the judgment appointing him, the person so appointed who neglects or refuses to perform the duties thereby imposed upon him, shall be summarily condemned to a fine of one hundred dollars, by the court or judge having jurisdiction in respect of such appointment.

Replacing of  
commis-  
sioners in cer-  
tain cases.

**553.** If, at any time after his appointment, any of the commissioners fails in the performance of the duties assigned to him, or does not fulfil such duties in a faithful, diligent and impartial manner, it shall be lawful for the city, by its attorney, to apply, by summary petition, to the Superior Court, or to a judge thereof, as the case may be, to stay the proceedings, and to remove and replace the delinquent commissioner; and upon such petition, the court, or judge, may issue such order as may be deemed conformable to justice.

Replacing of  
commis-  
sioners in cer-  
tain other  
cases.

**554.** In case any of the commissioners dies or is disqualified or unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect, to be presented by the city, after two clear day's notice, to be established to the satisfaction of such court or judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor.

Plan to be sup-  
plied to com-  
missioners.

**555.** Immediately after the appointment of the commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map showing the proposed improvement, as also the immoveables to be expropriated.

**556.** The commissioners, before proceeding, shall be sworn before the prothonotary of the Superior Court (in the form P) and they shall be vested, with regard to the valuation of property only, with the same powers, and entrusted with the same duties, as are conferred by the laws in force in this Province upon experts in reference to appraisements; and are entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they are of necessity occupied in the performance of their duties.

Commissioners to be sworn.  
Their powers.  
Their remuneration.

**557.** Before proceeding with the valuation of the immoveables to be expropriated, the commissioners shall begin by determining who are the parties benefited, and to be specially assessed for the purpose of the proposed improvement; they shall draw up a report thereof and give public notice of the same, in which it shall not be necessary to give the names of the parties benefited by such improvement, but only to define the limits or boundaries in which the immoveables liable to assessment are included.

Commissioners to first determine who are benefited.  
Report and notice to that effect.  
Contents of notice.

**558.** The parties, so notified, who desire to oppose the improvement may do so, by a declaration to that effect, to be signed by such parties, and to be filed in the hands of the city clerk, within ten days from the date of the last publication of such notice.

Opposition to improvement, how to be made.

**559.** At the expiration of the delay aforesaid, the city clerk shall hand over to the commissioners the declaration, if any filed in his hands; and they shall thereupon ascertain and determine, without any appeal, if, in reality the signers of such declaration constitute the majority in value of the parties benefited (the said value as set forth and established in and by the general assessment roll last made and revised); and if they find that such majority is opposed to the improvement, they shall report the fact to the said court or judge, as the case may be, on the day appointed to receive their report of valuation: and the proceedings in expropriation shall *ipso facto* be annulled; if, on the contrary, no declaration has been filed or the commissioners determine that a majority in value of such parties has not signed the declaration, they shall appoint a day on which to proceed to determine the value of the immoveables subject to expropriation, and shall give due public notice thereof.

Examination of opposition by commissioners.

If opposants are majority, proceedings come to an end.

If otherwise, they proceed to determine value of property subject to expropriation.

**560.** The right of opposition conferred as aforesaid, does not apply to expropriations for improvements as laid down on the general plan of the city, when such improvements only affect new or projected streets, as fixed

Right of opposition not to apply to certain expropriations.

Proviso.

and determined upon such general plan, and not already in actual possession of the city, at the time such plan was homologated and confirmed by the court, according to the provisions of the act 37 Victoria, chapter 51; provided that nothing herein contained shall be construed as affecting the right of opposition that now exists as regards the widening or extension of old streets, which remains in force as regards such old streets except in the case provided for by article 575.

If property expropriated leaves only certain depth of original lot, owner may require the whole to be expropriated.

**561.** If the portion of any immoveable, not required for any improvement, shall have a depth not exceeding forty feet, the party expropriated may give notice in writing to the city clerk, before the day fixed for the commissioners to proceed to the valuation, that he desires to have such residue also expropriated, and thereupon the commissioners shall also value such residue, and shall fix the price to be paid therefor.

Titles, &c., to be exhibited to commissioners.

**562.** The commissioners may, if they deem proper, call upon the party to be expropriated to give them communication of his title deeds, and, upon his failing to comply with such demand, the commissioners are authorized to procure such copies at the cost of such party, and the amount of such costs shall be deducted from the compensation to be awarded to him.

Commissioners to proceed diligently to appraisement.

**563.** It shall be the duty of the commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the immoveables to be expropriated, or for the damages caused by such expropriation.

Commissioners may determine upon several improvements.

The same commissioners may also determine the price or compensation of all the immoveables, including buildings thereon, required for any improvements which the council may have ordered to be made at one and the same time.

Hearing of parties and witnesses.  
Examination *viva voce*.

The commissioners shall hear the parties and their witnesses after the latter have been sworn by one of the commissioners; but such examination shall be made *viva voce* and not in writing, and shall consequently not form part of the report to be made by the commissioners.

Meetings open to public except when deliberating.

The meetings of the commissioners, except for the purpose of deliberation, shall be open to the public.

Majority to decide.

**564.** If, in the discharge of the duties devolving on the commissioners by virtue of this act, there occur a difference of opinion between them upon any question within their province, the decision of two of the commissioners shall

have the same force and effect as if all had concurred therein.

**565.** In every case, where the council resolves to execute any of the works or improvements aforesaid, at the city's expense exclusively, and when the expropriation applies to a portion only of an immoveable, belonging to one proprietor, the commissioners shall be held to determine and award the damage to or deterioration in value, if any, of the residue of such immoveable, resulting from the separation from it of the part required by the city, and they shall determine the intrinsic value of the part of the property to be taken, and, if they are of opinion that the residue of the property is increased in value by the proposed improvement, they determine the amount of such increase, and, in the one case, the proprietor shall receive the intrinsic value of the property taken and the amount of damage so awarded, and, in the other case, he shall only receive the difference between the intrinsic value of the part of the property required and such increased value.

**566.** So soon as the commissioners have completed the proceedings relating to the appraisalment, and determined the price or compensation for the immoveables to be expropriated, they shall make and sign a report of their appraisalment and deposit the same in the office of the city clerk, who shall forthwith give public notice thereof, and of the day on which such report will be submitted to the Superior Court, or to one of the judges thereof, as the case may be, for homologation; which day shall be at least ten days subsequent to the first publication of such notice.

**567.** On the day specified in such notice, the city shall submit to the Superior Court, or to one of the judges thereof, respectively, the report containing the appraisalment of the commissioners, for confirmation and homologation; and such court or judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided have been observed, shall confirm and homologate the report; and such order thereon shall be final as regards all parties interested, and shall not be subject to any appeal.

**568.** In all cases where, upon the projected opening of any street, square, market-place, or other public place, or the projected extension or widening of such street, square, market-place, or other public place, or the projected acquisition or extension of a site for any public building,

Proceedings by commissioners if council wishes to execute works at city's expense and expropriation applies only to portion of an immoveable.

Report by commissioners and deposit thereof.

Notice of application for homologation.

Homologation of report.

If corporation deems it advisable to acquire a larger extent of land than that required for improvement.

the council deem it advantageous to acquire a larger tract of land than is required for the intended improvement or enlargement, and the property, part of which is to be expropriated for such improvement, does not extend back more than one hundred feet from the projected line of such improvement, the city may also expropriate the remainder of such property; and such extent of property may be taken on one or both sides of such street, square, market-place, or site, in case the proposed improvement applies to both sides thereof.

If streets to be opened and notice has been given no indemnity for buildings thereafter to be allowed.

**569.** In case the council has determined to open, widen or extend any street, public place or square, and to expropriate any property therefor, and has given and posted notice of such expropriation, as provided in article 550, no indemnity or damage shall be allowed for any building, structure or improvement made thereon after such notice has been given and posted as aforesaid.

Deposit of amount of compensation with prothonotary.

Receipt therefor.

Effect of deposit and receipt.

**570.** Within thirty days from and after the confirmation and homologation of the report of the commissioners, the city shall deposit, in the hands of the prothonotary of the Superior Court, the amount of the price or compensation and damages settled and determined in and by the said report, of which deposit such prothonotary shall grant an acknowledgment in writing.

Such deposit and acknowledgment shall constitute, on behalf of the city, a legal title to the property of each of the immovables expropriated; and thenceforth all proprietors of, or other persons interested in, such immovable property shall be divested of all rights or claims thereto, and the city shall be vested with such immovables, and may, of right and without any further formality, enter upon possession of, and use the same for any of the purposes authorized in and by this act.

Effect of expropriation.

**571.** Any expropriation made in virtue of this act shall have the effect of cancelling all mortgages, privileges and encumbrances whatsoever with which such immovables may be charged at the time; but the price or compensation deposited in the hands of the prothonotary, as aforesaid, shall be held to represent such immovables as regards such mortgages, privileges and encumbrances, the rank and priority of which shall be preserved in the distribution to be made of the money deposited conformably to this act.

Corporations, &c., may sell, &c., property to city, &c.

**572.** Corporations, husbands, tutors, administrators, guardians, curators, institutes under substitutions or trustees, who are seized or possessed of, or interested in any immovable, subject to expropriation, may (not only for

themselves, but for and on behalf of the persons whom they represent, or for whom or in trust for whom they are seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert* or other persons) contract for, sell and convey such immoveable to the city; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever; and all corporations and persons whatsoever, contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which they shall respectively make, without, however, diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money of compensation for such sales or conveyances.

But, in such case, the price shall not be paid to the vendor, until the authority of the proper court or judge shall have been obtained for such payment; and if such authority be not obtained within three months from the execution of the conveyance, the city may relieve itself from all further responsibility, in respect of such price, by paying the same into the hands of the prothonotary of the Superior Court for the benefit of whom it may concern.

**573.** When the money is deposited in the hands of the prothonotary as aforesaid, the Superior Court, or any of the judges thereof, during vacation and out of term, shall determine the mode of calling in the creditors of the party entitled to such money, or his legal representatives, and all other parties interested, and issue such orders as may be deemed advisable and just, as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; provided always, that when the price or compensation and damages are paid, in whole or in part, to the expropriated party himself, the amount so paid shall not be subject to the tax imposed by and in virtue of the act 12 Victoria, chapter 112, (1) nor to the commission which the prothonotary of the Superior Court is entitled to receive, nor to any other tax or commission.

If, however, the amount of indemnity does not exceed one hundred dollars, the formalities herein prescribed shall be dispensed with, and such amount shall be delivered forthwith by the prothonotary to the expropriated party.

**574.** The prothonotary of the Superior Court shall remit to the Treasurer of the Province of Quebec all inte-

(1) See Revised Statutes of the Province of Quebec, articles 2749, 2751 and 2755.

Price in such case how and when to be paid

Calling in of creditors after deposit of compensation with prothonotary.

Proviso as to tax under R. S. Q. art. 2749 etc.

If sum less than certain amount formalities need not be observed.

Prothonotary to pay all interest, &c., from such deposit to Provincial Treasurer.

rest and revenues arising from the different sums of money deposited by the city in his hands as aforesaid, after deducting therefrom the amount of any commission thereon to which he may be legally entitled; and all sums so deposited shall, immediately after their receipt, be placed by the prothonotary in a separate account at interest in one of the chartered banks doing business in the city.

If council contributes one-third of cost of improvements, right to opposition under article 558 is suspended.  
Proviso.

**575.** When the council, by a resolution adopted by vote of a majority of its members, determines to carry out an improvement and to contribute, from the city funds, to an extent not to exceed one-third of the cost thereof, the right of opposition, conferred in and by articles 558 and 559 upon the proprietors benefited, shall be suspended, in so far as it relates to such improvement; provided, however, that the council, before adopting any such resolution, shall give ten days' notice thereof, in at least two English and two French newspapers published in the city.

Quinquennial expropriations for certain purposes.

**576.** An expropriation shall take place every five years, to be reckoned from the end of the year 1890, or at such other period as the council shall fix by by-law, of the immoveable property or portions thereof belonging to proprietors who, after the homologation of the general plan of the city or of the plan of any of the wards thereof, respectively, have erected permanent buildings upon the new line laid down upon such general plan in any street or public square or place opened or widened according to the said plan, and lying between the new and old lines of such street, public square or place; provided such proprietors shall produce, after such building shall have been erected, a certificate from the city surveyor to the effect that such buildings have been erected according to the new line; provided that the whole cost of all such improvements shall be borne and paid by the proprietors benefited thereby.

Proviso.

Proviso.

Procedure governing such expropriations.

**577.** The procedure to be followed for such expropriation, for the appointment of commissioners, for the purposes thereof, for the assessment and apportionment of the cost thereof, and for all matters incidental thereto, shall be the same as that herein prescribed for ordinary expropriations, save and except as hereinafter provided.

Assessment by commissioners after homologation of report for costs of improvements.

**578.** So soon as the report of the commissioners appointed to fix and determine periodically, under the two next preceding articles, the price or compensation for the immoveable property to be expropriated, as aforesaid, is confirmed and ratified by the Superior Court, or by one

of the judges thereof, as the case may be, in accordance with this act, the commissioners shall assess and apportion, in such manner as to them may appear most reasonable and just, the total cost of the improvement upon all the immoveable property situated in, or facing on both sides of the street, public square or place in which the improvement is made, or upon such portion of such street, square or place as the commissioners shall have determined to be benefited by the improvement ; and they shall, for that purpose, base such assessment and apportionment upon the value of such immoveable property, irrespective of buildings thereon erected ; which assessment shall thereupon become due and payable by the parties affected thereby.

*Basis thereof.*

**579.** Within twenty days after such assessment and apportionment is made, revised and completed, as aforesaid, the city shall deposit, in the hands of the prothonotary of the Superior Court, the price or indemnity determined by the commissioners for each and every immoveable expropriated, after deducting therefrom the amount charged in such assessment and apportionment to each of the proprietors expropriated ; and the prothonotary shall grant a written acknowledgment to the city of such deposit, which shall have the same effect as the acknowledgment provided for in article 209.

*Deposit of indemnity after certain delay by the city.*

*Receipt therefor.*

*Effect of such deposit and receipt.*

**580.** The right of veto, conferred upon the parties benefited by the improvement under articles 558 and 559, shall not apply to expropriations made in virtue of the four next preceding articles.

*Certain right of veto not to apply.*

**581.** The provisions contained in article 206, with regard to the appointment of commissioners and the mode of ascertaining the value of immoveables taken by the city, apply to cases in which it becomes necessary to ascertain the amount of compensation to be paid by the city, for any damage caused by reason of any alteration in the level of any sidewalk, or by reason of any other act of the corporation for which it is bound to make compensation, and where the city and the claimant are unable to agree as to the amount of such compensation.

*Certain provisions apply as to appointment of commissioner, &c., respecting indemnity for damages occasioned by alterations in level of streets, &c.*

The amount of such compensation, when determined upon, shall be forthwith paid by the city to the claimant, provided always that any person who erects any building whatever upon any established or contemplated street, public place, or square in the city, without having previously obtained from the city surveyor the level of the sidewalk of such street, public place or square, and without conforming himself to such level, shall have no claim for compensation for damages caused by any subsequent change of level in such sidewalk.

*Payment of compensation. Provision.*

## TITLE XIX.

## SPECIAL ASSESSMENTS.

Special assess-  
ments to be  
fixed by com-  
missioners to  
be paid by  
parties bene-  
fited by im-  
provements,  
&c.

**582.** So soon as the report of the commissioners is confirmed and ratified by the court, or by one of the judges thereof, as the case may be, conformably to article 567, in all cases where the council may have ordered, in conformity with article 451, that the cost of the said works or improvements be borne and paid, in whole or in part, by the proprietors benefited thereby, it shall be the duty of the commissioners to determine the proportion in which the proprietors of different localities, within the boundaries previously fixed, shall be respectively assessed ; and to assess and apportion, in such manner as to them may appear most reasonable and just, the compensation accorded by them for the land taken, and the costs and expenses incurred in and about such expropriation, in whole or in part, conformably to the resolution of the council upon all the immoveable properties declared to be benefited by such improvement, and comprised within such boundaries.

Basis of  
assessment.

The commissioners, for the purposes of such apportionment shall adopt the valuation of such immoveable property, irrespective of buildings thereon erected ; taking into account the benefit to be derived from the improvement, in the proportions so determined by the commissioners.

Roll of appor-  
tionment and  
deposit there-  
of.

Notice there-  
of.

**583.** The commissioners shall thereupon make a roll of apportionment and deposit the same, duly certified, in the city clerk's office, for the examination and inspection of all parties interested ; they shall give public notice thereof, to the effect that they have completed such roll of apportionment and that the same has been deposited in the city clerk's office where it may be seen and examined by any person interested therein within the delay specified in such notice ; which delay is in no case to be less than fifteen days from the last publication of such notice ; and that, after the expiration of that delay, at a day and hour to be stated in such notice, the commissioners will meet, at the city-hall, to review such roll of apportionment and hear the parties interested.

Examination  
of complaints  
against roll.

**584.** At the time and place mentioned in the said notice, the commissioners shall meet and hear and examine all complaints in relation to such roll of apportionment ; and they may adjourn the meeting, from time to time, as may be necessary, to hear and determine such complaints ; and after such examination, may maintain, modify or amend, in their discretion, such roll of apportionment, without any further notice.

**585.** The roll of apportionment, when finally settled by the commissioners, as aforesaid, shall be filed and kept of record in the city treasurer's office; and such special apportionment shall thereupon become due and may be recovered by the corporation in the same manner as the ordinary taxes and assessments which it is authorized by this act to impose and levy.

**586.** When the council, after having resolved to carry out an improvement, at the cost of the parties interested, in whole or in part, has acquired by amicable arrangement, and without having recourse to proceedings in expropriation, all the immoveable property required for such improvement, it may, by a petition to be addressed to the Superior Court, or to any judge thereof in vacation, in the manner hereinbefore provided, cause to be appointed three commissioners for the purpose of making and determining the apportionment or special assessment to cover the cost of such improvement, in whole or in part, as the case may be; and the commissioners shall make such apportionment or assessment in the manner hereinbefore specified.

**587.** The mode prescribed in the preceding articles for expropriations, and for levying the apportionments consequent thereon, shall have force and effect, and shall apply, not only as regards works or improvements which the council may hereafter order to be carried out, but also with respect to any work or improvement which may have been resolved upon at any time before the passing of this act.

**588.** Corporations, ecclesiastical or civil, whose property, or any part of whose property, is conveyed to, or taken by the city under the authority of this act, may invest the price or compensation paid for the property so conveyed or taken, in or upon other immoveable property in any part of this Province, and may take and hold the same, any law to the contrary notwithstanding.

**589.** It shall be lawful for the council to order, by resolution, the construction of sidewalks made of any durable and permanent material, in any street, square or place in the city, and that the cost of such construction be defrayed out of the city funds, to an extent not exceeding one-half of such cost, and the remainder thereof to be apportioned upon the immoveable property situate on the side of such street, square or place on which such sidewalk is constructed; and such apportionment shall be made in proportion to the frontage of such immoveable property.

Book for entry of such apportionment.

**590.** The city surveyor shall apportion, in a book to be kept by him for that purpose, the proportion of the cost of such construction payable by the proprietors, upon such immoveables according to the frontage thereof as aforesaid.

Notice when same may be examined.

He shall also give public notice of a day when the contributors charged may examine such apportionment, and state to him their objections thereto, before the same be completed and put in force; such notice to be given ten days at least before that fixed to hear the parties interested; and thereupon he shall hear and determine such objections in a summary manner; and the amount due under such apportionment shall be recoverable in the same manner as all other taxes and assessments.

Hearing of objections, &c.

Application of provisions of article to certain assessments.

The provisions of this article shall apply to the assessments in cases of construction of drains made under and by virtue of any by-law authorized by article 360.

Powers of council to assess for drains, &c. to extend to certain sewers, &c.

**591.** The power of the council to assess proprietors to defray the cost of construction of a sewer in any street of the city may be exercised as to any sewer that may be ordered to be constructed by the council in any proposed street or lane not yet opened to the public, when the council shall consider such sewer necessary in the interest of public health.

Correction of errors in expropriation proceedings, &c.

**592.** In case there should, at the time of the passing of this act or thereafter, exist any clerical error, omission or informality in any proceedings in expropriation, or in the making out of any roll of assessment prepared in respect of the cost of any improvement, whether such error, omission or informality be committed by the commissioners or any of them, or by those who are by law entrusted with such proceedings, the Superior Court, or any judge thereof, may, upon a petition to that effect, permit, in its discretion, the rectification of such error, omission or informality, upon such condition as to costs as the court or judge may order.

How roll of assessment to be made, if old one annulled.

**593.** When any roll of assessment or apportionment made by commissioners, to defray, in whole or in part, the cost of any improvement under the provisions of this act, is annulled by competent authority, the city may cause a new roll of assessment or apportionment to be made by commissioners appointed and acting as hereinbefore provided, with regard to commissioners for expropriation.

Application of provisions to new roll

All the provisions of this act, with respect to the making, revision and completion of any such assessment or apportionment, and to all matters incidental thereto, shall apply to such assessment or apportionment;

provided always that proceedings for the making of any new roll of assessment or apportionment shall be recommenced within six months from the date of annulment of the previous roll. Proviso.

**594.** If any special assessment or apportionment made by the city surveyor is annulled by competent authority, he shall make another assessment or apportionment for the same purpose, in the manner hereinbefore provided; and the same, when completed and revised, shall have full force and effect. If assessment or apportionment of city surveyor annulled, a new one may be made. Effect thereof.

**595.** If, for the purpose of any improvement, any immoveable property is charged with any special assessment by any roll or apportionment, which is subsequently annulled by competent authority, and a new roll or apportionment is made for the recovery of such special assessment, and if any change has taken place in the ownership of such property, between the date of the deposit in court of the amount of indemnity, as hereinbefore provided, under the first roll of assessment, and the date of completion of the new roll of assessment, the new proprietor of such immoveable, upon payment or demand of the amount thereof, shall have the same rights *en garantie* against his vendor, in respect of such demand or payment, as if such property had become charged with a valid hypothec for such amount, at the date of the said deposit. If property change hands after being assessed for improvements by a roll that has been annulled, &c. right of purchaser against vendor *en garantie*.

**596.** Whenever a roll of assessment or apportionment for any street improvement shall be annulled and set aside, the payments made under the authority of the same shall not be thereby invalidated; but such payments, with interest added, shall go to the discharge of the respective amounts to be fixed by the new assessment roll, subject, on the part of the ratepayer, to making good any deficiency, or to receiving back any surplus, according to the difference that may eventually exist between the old and the new roll of assessment; and the present provision shall apply as well to apportionment rolls heretofore made as to those which may be made hereafter. Payments under annulled assessment, &c. with interest go in discharge of amounts due under new assessment. Application of these provisions.

## TITLE XX.

### MUNICIPAL COURT OF THE CITY.

#### SECTION I.

#### CONSTITUTION OF THE COURT.

**597.** The council of the city may, by by-law, establish a court of record, called the "Recorder's Court." Establishment of Recorder's Court.

**598.** It shall be held by the recorder, appointed as hereinafter provided, and have its sittings in the city hall or any other place set apart for the purpose by the council.

Seal of Court. The said court shall have a seal.

**599.** The recorder is appointed by the Lieutenant-Governor during good behaviour; he is *ex-officio* a justice of the peace in and for the district of Montreal; and is vested with all the rights, powers and authority of one or two justices of the peace, and of the recorder's court;

The Lieutenant-Governor may however dismiss him upon a joint address from the Legislative Council and Legislative Assembly.

The recorder shall be an advocate of at least three years' practice.

The acceptance of such officer and the exercise of such functions shall not disqualify him from exercising his profession before any court of justice, except the said recorder's court, any law or by-law to the contrary notwithstanding.

**600.** The salary of the recorder is fixed at the sum of five hundred dollars and shall be paid by the corporation.

**601.** The recorder may, from time to time, appoint under his hand a deputy-recorder, who shall be an advocate of five years' practice and shall, *ipso facto*, be vested with all the powers of the recorder.

The original of such appointment shall be deposited and registered in the office of the secretary-treasurer.

**602.** The person so appointed possesses, for and during the period of time limited in the instrument containing his appointment, or, if no period of time be therein limited, then from the date of the registration as aforesaid until the revocation thereof, the jurisdiction and is vested with all the rights, powers and privileges, and is bound to discharge all the duties of the recorder, to the exclusion, for the time being, of the person so nominating him.

The city shall not be held to pay for the services rendered by such deputy, except in case of illness and during the time allowed to the recorder for his holidays, not to exceed however thirty days in any year.

The amount to be paid to such deputy for his services, in such cases, to be fixed and determined by the finance committee of the council.

The recorder's court shall not at any time be deemed to have been illegally held, nor shall the acts of any deputy-recorder be deemed invalid, by reason of the

absence of the recorder not being deemed to be necessary within the meaning of this act.

**603.** In case of the death of the recorder, his deputy shall act as such until the Lieutenant-Governor appoints his successor in accordance with the law; and if the recorder dies without having appointed a deputy, then the council shall appoint one who possesses the jurisdiction, and is vested with all the rights, powers and privileges of the recorder until one is appointed by the Lieutenant-Governor.

Deputy to act in case of death of recorder.  
Appointment in case of death of recorder and no deputy appointed by him.

**604.** The clerk of the recorder's court is appointed by the council, during pleasure; he is, *ex-officio*, a justice of the peace in and for the district of Montreal.

Appointment of clerk.  
Is justice of the peace *ex-officio*.  
Custodian of seal of court.

He is the custodian of the seal of the court.

**605.** The clerk may, with the approval of the recorder, by an instrument under his hand, to be acknowledged by him before the recorder and entered in the register of the court, appoint one fit and proper person, to be and act as his deputy, and remove any person so appointed and appoint another in his stead.

Appointment of deputy.

**606.** So long as he holds office, such deputy shall fulfil all the duties, and shall be invested with all the powers, imposed or conferred by this act, on the clerk of the court.

Duties, &c., of such deputy clerk.

**607.** Immediately after their appointment and before entering into office, the recorder, the deputy-recorder, the clerk and the deputy-clerk of the said court, shall make oath to well and faithfully perform the duties of their office.

Oath of office to be taken by recorder, deputy-recorder, clerk and deputy.

The omission on their part to do so within ten days from the date of their appointment, constitutes a refusal to accept such office.

Effect of omission so to do.

**608.** The clerk and deputy clerk take an oath of office before the recorder's court; and the said oath is inscribed on the back or other part of the document appointing such clerk or deputy-clerk.

Before whom clerk and deputy are sworn.  
Oath where inscribed.

**609.** In the event of the death of the clerk, the deputy-clerk continues, to act as such, until another clerk is appointed by the council.

Deputy to act if clerk dies.

## SECTION II.

### COMPETENCY AND JURISDICTION OF THE COURT.

**610.** The recorder's court has jurisdiction throughout the whole extent of the city in which it is established, as regards matters within its competency.

Jurisdiction of recorder's court.

Recorder may hear and determine :

Suits for recovery of taxes, &c.

Suits for recovery of moneys due corporation for rent of butchers' stalls, &c.

Suits for recovery of water rate, &c.

Suits for servant's wages, &c.

Concurrent jurisdiction with circuit court, &c., in suits between lessors and lessees for certain sums.

Proviso.

Writ of possession may issue in such suits.

Jurisdiction of recorder's court in suits under R. S. Q., art. 2783 to 2793.

**611.** It has the jurisdiction of a recorder, and shall hear and determine summarily :

1. Any action brought for the recovery of any sum of money due to the corporation for any tax, or assessment, imposed by any by-law or resolution of the council;

2. Any action for the recovery of any sum of money due to the corporation for the rent or license of any butcher's stall, or other stall or stand in or upon any of the public markets in the city, in virtue of any by-law of the council, or for any tax or duty, imposed and levied in and upon the public markets or private butchers' stalls in the city;

3. Any action for the recovery of water rates, or any sum of money that may be due and payable to the corporation for the supply of water furnished from the Montreal water-works to any house or building, or for the use of any person in the city;

4. Any action for the recovery of wages of servants, apprentices, domestics or journeymen, or of damages arising out of the lease or hire of work, the amount of which shall not exceed twenty-five dollars.

**612.** It has concurrent jurisdiction with the Circuit Court, or with any judge of the Superior Court, as to matters between lessors and lessees, and may proceed in virtue of article 1624, paragraphs 1 and 2, of the Civil Code, in the same manner and with the same formalities as the Circuit Court, or any of the judges of the Superior Court, in accordance with the Code of Civil Procedure; it can, however, take cognizance of such matters only in cases where the rent or equivalent value does not exceed the sum of one hundred dollars and applies to real estate within the limits of the city.

**613.** After judgment ordering the eviction of the tenant, in virtue of the preceding article, the plaintiff may, three days after service of such judgment on the tenant, obtain from the recorder's court a warrant or writ of possession, which is put into execution by a bailiff of the superior or recorder's court, or by a constable or member of the police force, each of whom is vested with all necessary authority to that effect.

**614.** The recorder's court may take cognizance of and determine in a summary manner, all offences referred to in articles 2783 to 2793, both inclusive, of the Revised Statutes of the Province of Quebec, in so far as the provisions of these articles are applicable to the city, and article 2782 of the said Revised Statutes applies to the recorder *mutatis mutandis*

The said court also has jurisdiction in any suit for the recovery of any fine or penalty imposed in virtue of this act or any by-law of the council and incurred for any infraction of the provisions of such act or by-law

Jurisdiction in suits for fines, &c., under this act or the by-laws.

## SECTION III.

## PROCEDURE.—JUDGMENTS.—EXECUTION.

**615.** The recorder's court may sit daily, and as many times as may be necessary each day, and it may fix any time for the hearing and disposing of any offence punishable upon summary conviction and within its jurisdiction; and any police officer or constable may bring before the court any person accused of any such offence, to be then and there dealt with according to law.

Sittings of the court.

**616.** The recorder's court causes order to be maintained during its sittings, and may punish, by fine or imprisonment, any person guilty of contempt of the said court during its sittings.

Order during sittings.

**617.** The council appoints, from time to time, such number of bailiffs of the recorder's court, as may be necessary; and may dismiss them, at any time, and appoint others in their stead:

Appointment, &c., of bailiffs, &c.

The bailiffs so appointed take an oath of office before the recorder.

Oath of office before whom to be taken.

**618.** Every such bailiff, the bearer of a writ of summons, or writ of execution, or of any other writ issued by the said court, shall make a return, under his oath of office, of all proceedings taken by him in relation to such writ; and such return shall suffice for all lawful purposes;

Returns of writs of summons, &c., to be under oath of office.

The returns of service of any writ issued by the said court may likewise be made by any bailiff of the Superior Court; and, in all cases so instituted in the recorder's court, any such bailiff shall have *ex-officio* full power and authority to fulfil the duties of bailiff of the recorder's court, in the same manner as if specially appointed for that purpose.

Bailiff of Superior Court may also act.

**619.** The clerk shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued by the said court.

Clerk to make out writs, &c.

He shall conduct all cases and suits cognizable by and within the jurisdiction of the said court, except in cases where the corporation shall deem it expedient to appoint a special attorney, or to associate him with counsel.

Conduct proceedings for corporation. Exception.

Entries in  
register of  
proceedings.

**620.** The clerk shall enter daily, and in a succinct manner, in a register, the proceedings had in each cause or complaint brought in the court.

Certain arti-  
cles of Code  
of Civil Pro-  
cedure to ap-  
ply to recor-  
der and Recor-  
der's Court.

**621.** Articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and the articles from 615 to 631, inclusively, and articles 1188, 1190 and 1191 of the Code of Civil Procedure of Lower Canada, as amended, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the recorder's court.

Delays in gar-  
nishment writs.

**622.** The delay of summons in the case of seizure by garnishment after judgment is the same as that in ordinary civil actions issued from the said recorder's court.

Judgments  
executory  
beyond dis-  
trict if spe-  
cially autho-  
rized by re-  
corder.

**623.** Upon a special authorization of the recorder, the judgments and orders of the court are executory beyond the limits of the judicial district in which they are rendered.

Proceedings  
need not be  
entered at  
length in re-  
gister.

**624.** It is not necessary for the clerk to enregister at full length the proceedings, judgments and convictions of the said court, but a roll only of the said judgments and one of convictions shall be kept by him, wherein are set forth, in the first case, the name of the defendant, the nature of the debt; and the date of judgment, and in the second, the nature of the offence, the penalty, and the date of conviction; and the notes of proceedings endorsed on the original summons or plaint shall be sufficient evidence thereof.

Writs, &c., to  
be in Her  
Majesty's  
name.

**625.** Every summons, order writ or warrant of any nature whatsoever, issued by the said court, shall run and be in the name and style of Her Majesty, her heirs or successors; they shall be signed by the clerk of the court.

Complaints in  
certain cases  
need not be  
in writing.

**626.** In cases tried for drunkenness, or where a person is arrested on view by a police officer or constable for an offence against the law, as contained in the said articles 2783 to 2793, both inclusive, of the Revised Statutes of the Province of Quebec, or the provisions of this act, or of any by-law of the council, it is not necessary that the complaint be reduced to writing; but a verbal complaint, under oath, made before the recorder's court by the constable who has arrested such person, shall be a sufficient complaint; if, however, such person demands that the complaint be reduced to writing, the court shall direct the clerk so to do.

Proviso.

**627.** In all prosecutions instituted before the recorder's court, other than civil actions, the provisions of chapter 178 of the Revised Statutes of Canada, respecting summary proceedings before justices of the peace, shall apply to the recorder's court and to the recorder, as regards the mode of proceeding on such prosecutions to final conviction or to the final judgment or order, the execution and carrying out of such conviction, judgment or order, and, generally, as to all rules imposed upon such justices for such objects, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation to the same; the several forms therein contained may be varied in so far as it may be necessary to render them applicable to the said court.

R. S. C., cap. 178, applies to all other than civil cases.

**628.** In cases of complaint for an offence against the provisions of any by-law of the council, where the person contravening such provisions has not been apprehended on view, such person may be summoned by a writ to appear before the said court, and he shall answer the said complaint, as set forth in the said writ, which shall contain a summary statement of the cause of complaint or demand; and such writ shall be served upon the defendant by any bailiff or constable; provided that, in all cases of offences for the commission whereof a fine or imprisonment is imposed by any such by-law, it shall be lawful to proceed against the defendant, either by writ as aforesaid, or by warrant of apprehension issued by the recorder, upon affidavit taken before him, if the same is deemed more advisable for the attainment of justice.

Summons of offender if not arrested.

**629.** In any civil action in the said court, there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into court; if the person so summoned does not appear, proceedings by default may be taken against him, and upon proof made, even by the oath of the plaintiff alone, the court shall render judgment accordingly with costs; if he appears, he must plead to such action within twenty-four hours and his plea shall be entered or filed, and proof shall be adduced by the parties, and judgment finally rendered in the case, in accordance with law and justice, with costs; if he confess judgment, judgment shall be entered with costs.

Delays upon summons in civil suits, &c., proceedings thereon.

**630.** The court may grant a delay of not more than two months to any defendant who confesses judgment after the return of the action brought against him.

Delay upon confession.

**631.** In any complaint or prosecution brought by the corporation, in the said recorder's court, it shall not be

Allegations not required in suits &c.

necessary to specify or recite the provisions of law or the by-law under which such suit, prosecution or complaint shall be brought; but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf made.

Depositions need not be required to institute proceedings.

**632.** Such suits need not be begun by the deposition or information on oath of the plaintiff or complainant, but the purport of the complaint or demand shall be sufficiently set forth in the writ or in a declaration annexed thereto.

Power of court to compel attendance, &c., of witnesses.

**633.** The recorder's court has power to compel witnesses to appear in any action, prosecution, or complaint pending before it, and to answer all legal questions put to them in the same manner as in the ordinary courts of civil jurisdiction in this Province.

Coercive imprisonment.

**634.** The said court has the power of coercive imprisonment mentioned in articles 781 and 782 of the Code of Civil Procedure.

Rules respecting evidence, &c.

**635.** In any civil action, the recorder's court shall, as regards the admissibility of oral testimony, and the competence and the number of witnesses, follow the rules prescribed in that respect by the law in relation to civil matters, subject however to the following provisions.

Members of council and employees of corporation competent witnesses.

Proviso.

**636.** In any civil action or proceeding, or in any prosecution or complaint for any offence committed against any by-law or against the provisions of any of the acts hereinbefore cited, any member of the council, or any officer or servant of the corporation, shall be a competent witness; provided he has no direct interest in the result of the action, prosecution or complaint, or is not incompetent from any other cause.

One witness sufficient in all cases.

**637.** Any tax, assessment or water rate due to the city, or any penalty or fine which may be claimed or sued for in the said court, is recoverable on the oath of one witness; and any person accused in the said court of any offence within its cognizance, may also be condemned on the oath of one witness.

Depositions need not be reduced to writing.

**638.** The depositions of the parties or of the witnesses, both in civil cases and in cases of complaint or prosecution for offences as aforesaid, need not be reduced to writing.

Proof of service of summons in suits for offences.

**639.** The service of any summons, in cases of prosecutions for offences as above mentioned, may be proved in open court by the bailiff, constable, or peace officer, who

shall have made such service; and the services of summonses to witnesses, or of any other order of the said court requiring to be served, may be proved in the same manner.

**640.** The execution of any judgment rendered in any civil action, as above mentioned, shall be levied by seizure and sale of the goods, moveables, and effects of the defendant. Execution how levied.

No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered. Delay after judgment before execution.

**641.** The bailiff, the bearer of the writ of execution, shall proceed to the seizure and sale of such goods, moveables and effects, in the manner prescribed and practiced in such cases under execution issued by any ordinary court of civil jurisdiction in the Province of Quebec; subject, however, to the provisions contained in articles 530, 531 and 532. Proceedings by bailiff upon writ of execution. Proviso.

**642.** If the effects of the defendant are already under seizure in virtue of any writ of execution issued by any other court, in such case, the bailiff, the bearer of the writ of execution issued by the recorder's court, shall suspend proceedings; but, upon production to him of the *procès-verbal* of such seizure, he shall hand over the writ issued by the recorder's court to the sheriff of the district, or to the bailiff who shall have made the seizure. Proceedings if effects are already seized under writ of another court.

**643.** The delivery of such writ of execution has the effect of an opposition for payment and is sufficient to secure to the city, by privilege, (in cases in which such privilege exists,) the payment of the sum due, including principal, interest and costs. Writ from recorder's court in such case has effect of opposition for payment.

**644.** The recorder's court may issue writs of *saisie arrêt* after judgment, in the same manner as the ordinary courts of civil jurisdiction, and shall follow in relation thereto the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of *saisie arrêt*. Writs of saisie-arrêt after judgment may issue from recorder's court.

**645.** The recovery of all fines adjudged by the recorder's court is proceeded with, in pursuance of the by-law imposing such fine, by writ of execution against the goods and chattels of the defendant, or by the imprisonment of the defendant, as the case may be; and such writ and warrant are issued in the manner above stated. How recovery of fines is proceeded with.

Stamps not  
required upon  
certain writs,  
&c.

Exception.

**646.** It is not necessary to affix any law stamps to the summonses, writs, warrants or other documents issued by the recorder's court, except for proceedings in ejectment hereinbefore provided for, wherein such stamps shall be used; this shall not, however, affect the tariff of the said court which shall apply to such cases in ejectment.

Power of  
court to ap-  
portion  
punishment  
according to  
gravity of  
offence.

**647.** The said court has the power of proportioning the punishment to the gravity or frequency of the offence within the limitations mentioned in this act, and in the acts for the government of the city.

Council may  
proceed by  
summons or  
warrant  
against of-  
fenders.

**648.** The council, in all cases of offences for the commission whereof fine or imprisonment is imposed by any of its by-laws, may proceed against the offender either by summons or by warrant issued upon affidavit taken before the recorder, as may be thought more advisable for the attainment of justice.

Fines under  
this act re-  
coverable be-  
fore recor-  
der's court.  
Imprisonment  
in default of  
payment.

**649.** All fines imposed by this act, or by the provisions of any by-law of the council, are recoverable before the recorder's court, with costs; and in default of immediate payment of the said fine and costs, the party, against whom judgment shall have been rendered, shall be imprisoned for a period not exceeding two months, unless such fine and costs be paid before the expiration of such term of imprisonment.

Fines incurred  
by a corpora-  
tion, &c., how  
levied.

**650.** In all cases in which a fine has been incurred by a corporation, association, or society recognized by law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters.

Suits for vio-  
lation of by-  
law, &c., by  
joint owners  
how proceed-  
ed with.

**651.** Any joint owner or occupant of any lot, house, building or other immoveable in the city, complained of for violation of any by-law of the council, bearing upon such joint owner or occupant, or upon the said lot, house, building or other immoveable in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence, may be sued alone, or conjointly with his co-owners or co-occupants, in the recorder's court, as may be deemed advisable, as also any agent of the said joint owner or occupant; and in the suit to be instituted, it is sufficient to mention the name of such joint owner, or occupant, or of such agent, with the addition of the words "and others," and the oral testimony of such ownership

and occupancy whether sole or joint or of such agency, is sufficient.

**652.** All actions taken by the city in the recorder's court, for the recovery of any tax, assessment or water rate, or of any fine, or penalty, is instituted in the name of "*the city of Ste Cunégonde of Montreal.*" Suits to be taken in name of city, if by the city.

Those taken at the instance of private parties are in the name of such parties respectively. If by private parties, in their names.

**653.** All fines sued for and recovered in the recorder's court, under and by virtue of this act, or any other act or statute now in force, or to be hereafter passed, in relation to the said city, belong to and form part of the general fund of the city, unless otherwise provided for. Fines, &c., to belong to general funds of the city.

**654.** To the council alone appertains the right of remitting the whole or part of any fine belonging to the said city, as well as of the costs of the suit occasioned by the prosecution for the said fine. Remission of fines.

**655.** This remission is made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the council to that effect, by the person asking such remission, and not otherwise. How made.

**656.** Whenever, in the present or any other act relative to the city, or in any by-law, imprisonment is imposed, such imprisonment is presumed and held to be in the common gaol of the district of Montreal. Where imprisonment to be ordered.

**657.** The recorder's court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs. Costs discretionary.

**658.** In any action, proceeding or complaint by the corporation, it is not necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that such by-law has been transmitted to the Lieutenant-Governor, but the fact that such formalities have been observed is presumed, until proof to the contrary be shown. Certain allegations and proof not necessary.

**659.** In all cases where, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the christian or surname, the occupation, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the said court may at any time, before, during, or after the *enquête*, or before judgment, upon the request to that effect made by Variance between allegations and proof.

an interested party, direct the amending of such action or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the action or summons so amended, if the party require it for the ends of justice, the whole on payment of costs at the discretion of the court.

City treasurer to deposit amount due in case of *saisie-arrêt* served upon corporation.

**660.** In cases of *saisie-arrêt* served upon and left with the corporation, it shall be lawful for the city treasurer to deposit, in the office of the court from whence such *saisie-arrêt* has issued, the sum of money which he may have belonging or owing to the defendant, that the said sum may be paid to whom it may appertain, as the court may order.

Tariff of fees of clerk and bailiffs of recorder's court.

**661.** The council may establish and amend the tariff of fees of the clerk and bailiffs in cases within the jurisdiction of the recorder's court.

## TITLE XXI.

### RECOVERY OF PENALTIES.

Fines how recoverable.

**662.** Fines imposed by the by-laws of the council, or by the provisions of this act, are recoverable either before the recorder's court or before the mayor or a justice of the peace.

Plaintiff condemned to pay costs, is bound thereto under penalty of imprisonment.

All fines incurred by same person may be included in one suit.

Prescription of suits for fines.

**663.** The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be bound to pay the costs, under penalty of imprisonment, in the manner and within the delay prescribed in article 669.

**664.** All fines incurred by the same person may be included in the same suit.

**665.** Every suit for the purpose of recovering such fines is prescribed by six months.

Who may sue.

**666.** Such prosecutions may be brought by any person of age in his own name, or by the mayor or secretary-treasurer in the name of the city.

One witness to suffice.

**667.** Any such suit may be decided on the oath of one credible witness.

Application of fines.

**668.** Fines recovered in virtue of the by-laws of the council or of the provisions of this act shall belong, unless it is otherwise provided, one half to the prosecutor and the other half to the corporation.

If the prosecution has been brought in the name of the corporation, the fine shall belong wholly to the corporation.

If suit in name of corporation.

If the penalty is due by the corporation, it shall belong wholly to the prosecutor.

If penalty due by corporation.

**669.** In default of payment of the fine ordered by the court and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding thirty days, which imprisonment shall end, however, on payment of the sum due.

Imprisonment in default of payment of fine.

Such imprisonment shall discharge the person who undergoes it from the obligation of satisfying the judgment against him.

Effect of imprisonment.

**670.** The fines, as well as the costs taxed by the justice of the peace, the mayor or the recorder, after judgment, may be recovered and levied upon the moveables and effects of the offenders.

Levy of fines, &c., upon moveables of offenders.

**671.** Whenever the valuers neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the secretary-treasurer, within two months from the date of their appointment, they shall incur a fine of two dollars for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed.

Fine upon valuers neglecting to make valuation.

**672.** Every member of the council, every officer appointed by such council, every justice of the peace, and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this act, shall incur a fine not exceeding twenty dollars and not less than four dollars.

Fine upon certain persons for neglect to perform their duties.

**673.** Every city surveyor or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a fine of one dollar, unless some other fine be by law imposed on him for such offence.

Fine upon city surveyor or officer of roads for neglect to perform his duty.

**674.** Every person, who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council or constable in the exercise of any of the powers, or in the performance of any of the duties, conferred or imposed upon him by this act, or by any by law or order of the

Fine upon persons resisting officers, &c.

council, shall incur a fine of twenty dollars for every such offence, over and above any damages which he may be liable to pay.

Fine for injuring advertisements, notices, etc.

**675.** Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document required by this act or by any by-law or order of the council to be posted up at any public place, for the information of persons interested, shall incur a fine of eight dollars for such offence.

Fine for voting when not qualified.

**676.** Every person who shall vote at any election of mayor or councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a fine not exceeding twenty dollars.

To whom fines are to be paid.

**677.** All fines, recovered under this act, shall be paid to the secretary-treasurer of the city.

Remission of fines.

**678.** The council has the right of remitting the whole or part of any fine belonging to the city, as well as of the costs of the suit occasioned by the prosecution for the fine.

How effected.

**679.** This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the council to that effect, accompanied by a recommendation of the judge or magistrate who shall have imposed the fine; the said petition to be presented by the person asking such remission.

Penalty upon member or officer of council infringing provisions respecting remissions. Remission made against articles 678 and 679 void.

**680.** Any member or officer of the council, who shall infringe the provisions of any of the two next preceding articles, shall incur a fine not exceeding twenty dollars for each offence.

**681.** Any remission of any fine or costs, in violation of the provisions of articles 678 and 679 of this act shall be null and void.

Penalty for infringing by-laws, &c.

**682.** Any person who shall transgress any by-law made by the city council under the authority of this act shall be liable for such offence to the fine or imprisonment, with or without hard labor, specified in the said by-law, with the costs to be allowed by the justice or justices of the peace who shall try such offence.

Any person authorized thereto may sue.

**683.** Every person aged twenty-one years residing in the city shall, with the authorization of the council, have

the right to take the action authorized by this act or any of the by-laws of the city.

All such actions may also be taken by the council in the name of the city.

Suits may also be taken by the council in name of city.

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## SCHEDULES.

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### FORM A.

(See art. 44.)

#### *Oath of Mayor or Alderman.*

I, A. B., having been elected mayor, (or alderman, *as the case may be*) for the city Ste Cunégonde of Montreal, do swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability ; and that I am seized and possessed, for my own use, of immoveable property, in the city, after the payment or deduction of all charges thereon, of the value of one thousand dollars, and that I have not fraudulently or collusively obtained the same, or a title to the same for the purpose of qualifying myself to be elected mayor, (or alderman *as the case may be*), as aforesaid : So help me God.

(Signature)

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### FORM B.

(See art. 138)

#### *Notice to Electors of completion of " Electors' List."*

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### ELECTORS' LIST.

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Public notice is hereby given that the municipal electors' list for the several wards of the city of Ste. Cunégonde of Montreal, has been prepared, according to law, and that the said list shall be kept in the office of the undersigned, in the city-hall, for the examination of all

concerned during the ten days following the date of the present notice from ten o'clock in the morning, till four o'clock in the afternoon, every day, until the final revision thereof.

Public notice is hereby further given, that the board of revisors, appointed to revise the electors' list, will meet in the city-hall, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, of the \_\_\_\_\_ day of \_\_\_\_\_, and daily thereafter, at the same place and hour until the said list is revised and settled.

Any elector who deems himself aggrieved by the omission of his name, in such list, or by any letter importing disqualification set against his name by the city treasurer as aforesaid, or who may desire to object to any name on the list, shall be held to give written notice to the Board of Revisors on or before the \_\_\_\_\_ day of \_\_\_\_\_ next, which notice shall be delivered at the office of the city clerk; the complainant shall further be held to appear, either personally or through his representative, before the board of revisors, to make good his application,

(By order,)

(Signature,)

City Clerk.

City Clerk's Office, City Hall,  
Ste. Cunégonde, (date.)

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#### FORM C.

(See art. 146.)

#### *Certificate of revision of Electors' Lists.*

I, the undersigned, do hereby certify that the above list of municipal electors for the electoral district number \_\_\_\_\_ in the \_\_\_\_\_ ward of the city of Ste. Cunégonde of Montreal, for the current year, has been revised by the board of revisors according to law and that \_\_\_\_\_ is the exact number of qualified electors in such electoral district.

(Signature,)

Chairman. Board of Revisors.

City Clerk.

CITY HALL,

Ste. Cunégonde, (date)

## FORM D.

(See art. 160.)

*Nomination paper.*

We, the undersigned duly qualified to vote at municipal elections, in the city of Ste. Cunégonde of Montreal, do hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of alderman of the said city.

In witness whereof we have signed at Ste. Cunégonde  
this                      day of                      18                      .

(*Signatures with residences and occupations.*)

Signed by the said electors in presence of (*name, occupation and residence,*)

I, the said                      nominated in the foregoing  
nomination paper, hereby consent to such nomination

Witness my hand at Ste. Cunégonde this                      day of  
18                      .

(*Signature*)

Signed by the said                      in presence of

(*Signature.*)

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FORM E.

(See art. 161.)

*Oath of attestation of the nomination paper and of the consent of the candidate.*

I. A. B.                      of (*profession*) solemnly swear that I know, (*mentioning the name of the subscribers known to him*) and that they are duly qualified to vote at the election of mayor (*or alderman, as the case may be*) about to be held, and that they respectively signed the foregoing, (*or annexed*) nomination paper with their signatures in my presence,

and further (if the case be so) that I know the said  
thereby nominated, and that he  
signed his consent to the nomination in my presence.

(Signature.)

A. B.

Sworn before me  
at Ste. Cunégonde,  
this day of

18 .

FORM F.

(See art. 167)

*Commission of a deputy presiding officer,*

To (give name, occupation and residence.) :

Know you that, in my capacity of city clerk, I have  
appointed, and do hereby appoint you deputy-presiding-  
officer, for poll number of the  
electoral district in the ward of the  
city of Ste. Cunégonde of Montreal, to act in that  
capacity according to law, at the election of alderman,  
to be held in the said city (or ward, as the case may be,  
stating the particular ward in which the election is to take  
place), on the day of the month of  
Given under my hand, at Ste. Cunégonde  
the day of the month of

(Signature.)



## FORM H.

(See art. 515.)

*Oath of assessors.*

I. A. B., having been appointed assessor for the city of Ste. Cunégonde of Montreal, do swear that I will faithfully, impartially, honestly, and diligently, execute the duties of the said office, according to the best of my judgment and ability : So help me God.

(Signature.)

## FORM J.

(See art. 526.)

*Notice to rate payers.*

Public notice is hereby given, that the assessment roll for the \_\_\_\_\_ ward of the city of Ste. Cunégonde of Montreal, (or the special roll of assessment for the, *specify the purposes for which such roll is made*) is completed, and is now deposited in the office of the undersigned, in the City Hall.

All persons, whose names appear therein as liable for the payment of any tax or assessment, are hereby required to pay the amount thereof to the undersigned, at his said office, within ten days from this day, without further notice.

(Signature.)

CITY HALL,

City-Treasurer

Ste. Cunégonde, (date.)

## FORM K.

(See art. 527)

*Notice for the collection of taxes &c.*CORPORATION OF  
STE. CUNÉGONDE  
OF MONTREAL.

Mr.

COPY OF ACCOUNT.

Notice served, \$

(Date of notice.)

Costs \$

Notice.

CORPORATION OF  
STE. CUNÉGONDE  
OF MONTREAL

Mr.

To the City of Ste. Cunégonde  
of Montreal. Dr.To taxes, assessments, or  
Water Rates,

(Here state account.)

\$

SIR,

Take notice that, having failed to pay the above-mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me, at my office, together with the costs of this notice and service thereof, as below ; in default whereof, execution will issue against your goods and chattels.

CITY HALL,

Ste. Cunégonde, (date)

Costs

Notice,

(Signature,)

City Treasurer.

## FORM L.

(See art. 528.)

*Warrant of seizure.*

PROVINCE OF QUEBEC } IN THE RECORDER'S COURT OF  
CITY OF STE. CUNÉ- } THE CITY OF STE. CUNÉGONDE  
GONDE OF MONTREAL. } OF MONTREAL.

The Recorder of the City of Ste. Cunégonde, of Montreal :

Debt.....	\$		
Costs .....			
Warrant .....			
	\$		

To any Bailiff of the Recorder's Court of the City of Ste. Cunégonde of Montreal :

WHEREAS, A. B. (*name and designation of debtor*) hath been required by the city treasurer, to pay into his hands, for and on behalf of the city, the sum of \_\_\_\_\_ being the amount due by him to the said city, as appears by the assessment roll, for the year 18 \_\_\_\_; and whereas the said A. B. hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of \_\_\_\_\_ : these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if, within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the said treasurer, sell the goods and chattels so by you detained, and do pay the moneys arising from such sale unto the city treasurer, that he may apply the same as by law directed and may render the surplus, if any, on demand, to the said A. B., or others whom it may concern; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

1890.

*City of Ste. Cunégonde of Montreal.*

Cap. 70.

265

Given under the hand of the clerk of the Recorder's Court, at Ste. Cunégonde this            day of            in the year

X. Y.

Clerk of the Recorder's Court.

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FORM M.

(See art. 530.)

*Notice of sale of goods and chattels.*

Public notice is hereby given, that on            next, the good, chattels of the parties hereinafter named and designated, now under seizure for non-payment of assessments (*or other dues, as the case may be*). will be sold by public auction, at the hour and place hereinafter mentioned to wit :

Names.	Amount.	Place of sale. No. street.	Hour of sale.

(Signature),

CITY HALL,

Ste. Cunégonde, *date*.

City-Treasurer.

FORM N.

(See art. 538.)

NOTICE OF SALE OF IMMOVEABLES.

PUBLIC NOTICE is hereby given that the immoveable properties hereinafter mentioned and more particularly described in a Schedule filed in my office, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, will be sold by me, at my office in the city of Montreal, on \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at ten o'clock in the forenoon upon a claim by the city of Ste. Cunégonde of Montreal, for taxes and assessments due as detailed in such Schedule.

Schedule No.	Wards.	Cadastral number.	Street.	Assessed Proprietor.	Amount claimed.	Nature of claims.

SHERIFF'S OFFICE,  
Montreal.

18

(Signature),

First published,

Sheriff.  
18

## FORM P.

(See art. 556.)

*Oath of commissioners in expropriations.*

I , having been appointed commissioner under the provisions of the (*cite the act*) do swear that I will faithfully, impartially, honestly, and diligently, execute all the duties of the said office, according to the best of my judgment and ability : So help me God.

(Signature,)

Ste. Cunégonde, (date)

## CAP. LXXI.

An Act to consolidate the acts respecting the corporation of the town of St. Johns.

[Assented to 2nd April, 1890.]

**W**HEREAS it is expedient to consolidate the acts 43-44 Preamble.  
Victoria, chapter 62 ; 44-45 Victoria, chapter 74, and  
51-52 Victoria, chapter 82, which relate to the corporation  
of the town of St. Johns ; and whereas it is expedient to  
grant further and better defined powers to the said corpo-  
ration ;

Therefore, Her Majesty, by and with the advice and con-  
sent of the Legislature of Quebec, enacts as follows :

## PRELIMINARY TITLE

## MISCELLANEOUS PROVISIONS.

## SECTION I.

## DECLARATORY AND INTERPRETATIVE.

**1.** The acts 43-44 Victoria, chapter 62, 44-45 Victoria, 43-44 V., c. 62,  
44-45 V., c. 74  
and 51-52 V.,  
c. 83 repealed. chapter 74, and 51-52 Victoria, chapter 82, are repealed and  
replaced by the present act.

**2.** Except where it is otherwise provided and notwith- Provisions  
contained in  
c. 1, title XI  
R. S. Q. not  
to apply.  
standing all acts to the contrary, the provisions of the  
law governing town corporations contained in chapter first  
of title eleventh (articles 4178 and following) of the Revised  
Statutes of the Province of Quebec, do not apply to the cor-  
poration hereby constituted.

Name of act.  
Coming into  
force.

3. This act shall be known under the name of " the charter of the town of St. Johns " and shall come into force on the day of its sanction.

Interpreta-  
tion.

4. Unless the context of the provision indicates or declares otherwise, the following expressions, terms and words have the meaning, sense and application which are respectively assigned them in this article :

" Council ;"

1. The word " council " means the council of the corporation of the town of St. Johns, incorporated by this act ;

" Corpora-  
tion ;"

2. The word " corporation " means the corporation of the town of St. Johns ;

" Town ;"

3. The word " town " means the town of St. Johns ;

" Mayor ;"

4. The word " mayor " means the mayor of the town of St. Johns or his authorized representative ;

" Members ;"

5. The words " members " or " members of the council " mean the members of the council of the town of St. Johns who are the mayor and town councillors ;

" Members of  
the council ;"  
" Secretary or  
secretary-  
treasurer ;"

6. The words " secretary " or " secretary treasurer " mean the secretary-treasurer of the town of St. Johns.

" Rate-  
payer ;"

7. The word " rate-payer " means any person who has to pay to the corporation any assessment or tax of any kind whatsoever ;

" Persons ;"

8. The word " persons " comprises individuals, joint stock companies, associations, commercial firms and corporations ;

" Nomina-  
tion ;"

9. The French expressions " *mise en candidature*," " *nomination* " and " *appel nominal* " mean what is called " nomination "

" Elector ;"

10. The word " elector " means any municipal elector of the town of St. Johns who is qualified to vote when he exercises his right as elector ;

" Electors  
who are pro-  
perty own-  
ers ;"

11. The expression " electors who are property owners " means all those who are entered on the valuation roll in force in the town as proprietors of taxable real estate, either in their own name or in that of their wives, who at the time they exercise their rights as electors are still proprietors in possession of the same property ;

Qualifica-  
tion of proper-  
ty owner.

The elector who is a property owner must be of the male sex and twenty-one years of age ;

" Municipal  
dues ;"

12. The expression " municipal dues " means all taxes, whether general or special, impost, dues, assessments, for drains, apportionments, licenses, special assessments, rate or compensation for water and lighting, when the same may apply, fines or penalties, as well as all debts due the corporation whether they form part of its revenue or not ;

" Contract ;"

13. The word " contract " does not apply to the lease of stalls nor to the lease, sale or purchase of land, nor to loans of money nor to any agreement in connection therewith ;

14. The words "assessors" and "valuators" are synonymous : "Assessors ;"  
"Valuators ;"

15. The words "valuation roll" and "assessment roll" are synonymous ; "Valuation  
roll" "assess-  
ment roll ;"

16. The words "police officers" and "constables" are synonymous ; Police offi-  
cers ;

17. The words "bonds" and "debentures" are synonymous and mean the bonds which the council is empowered to issue ; "Bonds" "de-  
bentures ;"

18. The French expressions "*adjoint*," "*maire suppléant*," "*pro-maire*" are synonymous and mean the "pro-mayor ;" "Pro-mayor ;"

19. The word "judge" means any judge of the superior court, any justice of the peace, district magistrate or the mayor ; "Judge ;"

The French expressions "*cour*" or "*tribunal*" are synonymous and mean "court," which, unless otherwise indicated, means every court having jurisdiction under this act ; "Court ;"

20. The word "proprietor" means a person who possesses or whose wife possesses an immoveable as owner or usufructuary ; "Proprietor ;"

Only the person who has the enjoyment, and usufruct of an immoveable has the right to vote as proprietor of such immoveable, to the exclusion of the person who has the ownership thereof ; Qualifica-  
tion of pro-  
prietor ;"

21. The word "occupant" means the person who occupies, in his own name or in that of his wife, an immoveable by any other title than that of proprietor, tenant or usufructuary, and who draws the revenues thereof ; "Occupant ;"

22. The word "tenant" comprises both the person who pays rent in money or in kind, and the person who is obliged to give to the proprietor any portion whatever of the fruits and revenues of the immoveable which he occupies ; every such tenant to be an elector must be a householder, except tenants of shops, stores or offices ; "Tenant ;"

23. The words "immoveables" or "real estate", or "immoveable property" mean every immoveable and, amongst other things, comprise all lands, town lots or portions of lots and all buildings, wharves whether filled in or resting on piles, mills or other buildings erected on the river Richelieu or on the Chambly canal, and every toll bridge for that portion thereof which is within the limits of the city ; "Immove-  
ables ;"

24. The words "public notice published" mean a public notice which has been published in two newspapers in the town, one in the French and the other in the English language ; "Public no-  
tice publish-  
ed ;"

25. The word "session", when employed alone, means indifferently either an ordinary or a general or a special session of the council ; "Session ;"

"Referen  
ces."

26. Unless the contrary be indicated, every reference to an article refers to an article of this act.

Exercise of  
powers.

5. The council and its officers exercise all the powers conferred by law upon the town.

Fine against  
officers, &c.,  
neglecting  
duty.

6. Every member of the council, every officer appointed by such council, every justice of the peace and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this act, shall incur a penalty not exceeding twenty dollars and not less than four dollars.

Fine against  
inspector or  
officer of  
roads neglect-  
ing to per-  
form duties.

7. Every inspector or officer of roads who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other penalty be by law imposed on him for such offence.

Fine against  
persons tear-  
ing down, &c.,  
by-laws or  
orders posted  
by council.

8. Every person, who shall wilfully tear down, injure or deface any advertisement, notice or other document required, by this act or by any by-law or order of the council, to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence and in default of payment to fifteen days imprisonment.

Error or in-  
sufficiency.

9. No act connected with municipal affairs, performed by the council, its officers or any other person, shall be null or void, solely on account of error or insufficiency in the designation of the corporation of the town of St. Johns, or of this act, or in the designation of the qualities of such officers or person, nor even on account of the omission of the designation of such person, provided no surprise or injustice result therefrom.

Objections  
as to form.

10. No objection founded upon form, or upon the omission of any formality even imperative, shall be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless the formality omitted be such, that its omission, according to the provisions of this act, would render null the proceedings or other municipal acts needing such formality.

Prescription  
of certain  
suits.

11. No action, suit or proceeding to annul any by-law or other act of the council, or for damages or indemnity, or relating to any matter or by-law in connection with this act, shall be instituted against the town or against any person after three months from the date at which the cause

of action originated, or from the adoption of the by-law, resolution or other act of the council sought to be annulled.

**12.** If the day fixed upon for the execution or performance of any duty prescribed or proceedings, the holding of any meeting, poll, sale, deliberations or other things whatsoever be a non juridical day they shall *pleno jure* be postponed or adjourned to the following juridical day. Delays, expiring on holidays.

**13.** Any oath required by the provisions of this act may be made before the mayor, a judge, the secretary, treasurer or any justice of the peace. Taking of oath.

The secretary-treasury enters such oath required of the members and officers of the council in the minute book or in a book kept for the purpose. Entry of oath.

Any person, before whom any oath may be made, is required, whenever he is called upon to do so, to administer the oath. Persons bound to administer oath.

**14.** All citizens, electors, rate-payers, and constables of the town of St. Johns, and all members or officers of the council, are competent witnesses in suits wherein the rights of the said city are affected, if they be not otherwise incompetent to act as witnesses. Citizens, &c., competent witnesses.

**15.** The forms of oath, nomination, municipal notices of all kinds, as well as the forms required by this act, shall be those generally used for similar cases, unless the council prescribes others. Forms.

## SECTION II.

### TEMPORARY PROVISIONS.

**16.** The councillors of the town of St Johns shall remain in office until their respective terms of office expire. Term of office of councillors.

**17.** The present municipal officers and employees of the town shall likewise remain in office until they are removed or replaced by the council. Present officers continued in office.

**18.** All *procès-verbaux* governing water-courses and streets, assessment rolls, statements of dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the mayor and council of the town of St. Johns or their predecessors, shall continue to have full force and effect, until they are cancelled, amended, set aside or accomplished. Existing procès-verbaux &c. to remain in force.

**19.** All notes, bonds, debentures, obligations and engagements whatsoever, signed, endorsed, accepted, issued or Notes, &c., already signed, &c.

contracted by the council of the town of St. Johns, up to the coming into force of this act, shall have all their legal effect.

Corporation substituted in rights of former corporation.

**20.** The corporation hereby constituted is substituted in all the rights, obligations, property, claims and debts of the corporation existing in virtue of the repealed acts mentioned in article 1, and this act, shall in nowise have the affect of disavowing the latter corporation.

## TITLE I.

### ORGANIZATION OF THE CORPORATION.

#### SECTION I.

##### INCORPORATION.

Incorporation.

**21.** The inhabitants of the town of St. Johns and <sup>their</sup> successors, inhabiting the said town, are hereby <sup>consti-</sup>tuted a body politic and corporate, under the name of "the town of St. Johns."

Name.

Separation from county of St. John's.

**22.** The town shall remain separated from the county of St John's for all municipal purposes.

#### SECTION II.

##### GENERAL POWERS OF THE CORPORATION.

General powers.

**23.** The corporation of the town of St Johns, under its corporate name, shall have perpetual succession, and may :

Sue and to be sued ;

1 Sue and be sued in any cause and before any court of justice ;

Common seal ;

2. Have a common seal, which it may change or alter at will ;

Acquire real or personal property ;

3. Acquire real or personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same for the use of the town ;

Enter into contracts ;

4. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;

Sign notes, &c. ;

5. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, obligations, debentures, judgments, securities or other titles, whether negotiable or not, in the fulfilment of all rights and powers conferred upon it by its charter and by law, and of all the duties and obligations devolving upon it, and in particular for the securing of loans, for the payment and settlement of amounts due by or to it under any deed, contract or agreement for the payment of grants or bonuses or for other legitimate purposes ;

6. In a word, exercise all the powers which are granted to it or which are necessary to it for the objects of its charter.

Exercise powers necessary to objects of charter.

### SECTION III.

#### BOUNDARIES OF THE TOWN—DIVISION INTO WARDS.

**24.** The town of St. Johns, situate in the county of St. John's is bounded on the east by an imaginary line passing in the middle of the Richelieu river, on the north by the southern line of the property of William H. Vaughan, prolonged towards the east to the middle of the Richelieu river; on the south by the northern line of the land belonging to the representatives of the late Francois Xavier Langelier, prolonged to the middle of the said river, and on the west by the eastern limit of the lots of the second concession of parish of St. Johns.

Boundaries of town.

**25.** The town of St. Johns is divided into four wards, respectively designated under the names of : " East ward " " West ward," " Centre ward," and " North ward ", and bounded as follows :

Division into wards.

The " East ward " is bounded on the east and south by the limits of the town, on the west by a line passing through the centre of Grant street, from the southern limits of the town to the centre of St. James street, and thence, towards the north by the centre of the said St. James street to the eastern limits of the town ;

East ward.

The " West ward " is bounded on the east by the " East Ward," on the south and west, by the limits of the town, and on the north by the centre of the said St. James street, from the western limits to the centre of Grant street ;

West ward.

The " Centre Ward " is bounded on the south by the east and west wards as above constituted, on the east and west by the limits of the town, and on the north by a line passing through the centre of St. Thomas street, and extending to the east to the limits of the town ; and starting from the western extremity of the said Saint Thomas street to the western limits of the town, by the southern line of the railway, as it now exists, of the Atlantic and North West Railway Company.

Centre ward.

The " North ward " includes that portion of the town north of the centre ward.

North ward.

**26.** By a vote of two-thirds of its members, the council may alter or change the limits of each of the wards above described ; but an interval of at least five years must elapse between each such change or alteration.

Change in limits of wards.

## SECTION IV.

## ANNEXATION OF TERRITORY.

Annexation  
of lot of land  
with consent  
of proprie-  
tor.

**27.** With the consent of every proprietor of a lot of land adjacent to the territory of the town of St. Johns, the council may, by law, order the annexation of such lot of land, and, from and after the first day of May following the promulgation of the by-law, such land shall form part of the municipality of the town of St. Johns for all purposes whatsoever.

Annexation  
by Lieutenant-  
Governor on  
petition of  
council.

**28.** Upon a petition of the council of the town of St. Johns, the Lieutenant-Governor in council may, in the public interest or for such other reasons as he may deem sufficient, order the annexation to the town of any lot of land or portion of a lot which touches its territory, and, from and after the first of January following the publication of the order in the Quebec Official Gazette, such land shall form part of the municipality of the said town for all purposes whatsoever.

Rights and  
obligations of  
proprietors of  
lots annex-  
ed.

**29.** From and after the annexation, the proprietors of lands annexed in virtue of the two preceding articles shall enjoy all the benefits, rights and privileges conferred by this act upon the inhabitants of the town and be subject to the duties and obligations imposed on them by the same act.

## SECTION V.

## THE CITY COUNCIL, ETC.

§ 1.—*The Council.*

Council  
represents  
city.

**30.** The corporation of the city is represented by its council ; its rights are exercised and duties performed by the said council and its officers.

Corporate  
seat.

**31.** The corporate seat is at the office of the secretary-treasurer.

Office during  
business  
hours.

Such office shall be open and of access to the public every juridical day, from nine in the forenoon to four in the afternoon.

Composi-  
tion.

**32.** The council consists of a mayor and twelve councillors, three for each ward.

Quorum.

**33.** The quorum of the council consists of eight members.

**34.** The council shall, by resolution, appoint one of its members pro-mayor for three months.

Such officer replaces the mayor, in the event of absence or inability to act, as well as in case of a vacancy in the office of mayor.

He may be removed at will.

Removal.

**35.** The mayor exercises the right of superintendence over all the officers of the council.

Mayor superintends officers.

He may suspend any one of them; and the officer or employee so suspended cannot be re-instated in office without the approval of the council.

Suspends officers.

He sees to the faithful execution of all municipal ordinances and by-laws.

Sees to execution of ordinances.

He communicates to the council any information or suggestion which he may consider conducive to the interests of the town or of the citizens.

Makes suggestions, &c.

**36.** The mayor and secretary-treasurer sign, seal and execute, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provides otherwise.

Signature of documents.

**37.** While they are in office, the mayor and pro-mayor are justices of the peace *ex officio*, and have jurisdiction over the whole territory of the town.

Mayor and pro-mayor justices of the peace.

In addition to such matters as are within the powers of justices of the peace, their jurisdiction extends to all cases in which the corporation or its officers are concerned.

Their jurisdiction.

The fact alone of their being members of council qualifies them to act as justices of the peace, without their having to take an oath or to comply with any of the formalities or conditions required of justices of the peace.

Not required to qualify

**38.** Any member of the council duly authorized may, in the name of the council or of such committees, summon any witness who is ordered to appear before the council or one of its committees, administer the oath to him and examine him

Power to summon witnesses.

Articles 53 and 54 apply to such witness.

Certain articles apply.

**39.** Before entering into office, the members of the council shall make oath to well and faithfully perform the duties of their office, according to form A of this act.

Oath of office of members of council.

They perform their duties and do all municipal acts under such oath of office.

Perform duties under such oath.

**40.** The omission during ten days on the part of the mayor or of a councillor to take the oath of office required by the provisions of this act constitutes a refusal to accept the office.

Omission to take constitutes a refusal of office.

Persons elected bound to fill office.

**41.** Every person, duly elected or nominated to the position of mayor or councillor, is obliged to accept and fill such office.

Penalty for refusal to accept to office of mayor or councillor.

In case of refusal to accept the office or fulfil the duties of mayor or councillor to which a person is nominated or elected, without reasons deemed sufficient by the council, the council may, by resolution, order such person to pay, a fine of fifty dollars, in the case of the office of mayor, and twenty-five dollars, in the case of the office of councillor.

Penalty how recovered

The recovery of this penalty is effected in the same manner as any fine imposed by this act.

Mayor and councillors' services gratuitous.

**42.** The mayor and councillors receive no salary, profit or indemnity in any shape whatsoever, for their services.

Members of council not to hold subordinate office. Cannot be sureties for officers, nor for any contract.

**43.** The members of the council are unable to hold any subordinate office under the council.

They cannot be sureties for the officer or employees of the corporation.

They cannot become sureties for the fulfilment of any obligation contracted by a third party towards the council.

Vote of person illegally holding office not to be set aside by reason thereof.

**44.** No vote given by a person filling illegally the office of member of the council, and no act in which he participates in such quality, shall be set aside solely by reason of the illegal exercise of such office.

## § 2.—Committees of the Council.

Appointment of standing or special committees.

**45.** The council may appoint standing or special committees, composed of as many of its members as it may judge convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties.

Chairmen thereof.

It also appoints the member who is to act as chairman.

Appointment of certain standing committees.

**46.** The council may appoint standing committees on the following :

Finance, markets, roads, water, fire, police, public health, lighting and public parks or on any other matters that the council deems expedient.

Composition of finance committee.

The finance committee is composed of the chairmen of the other standing committees.

When standing committees are formed.

**47.** The standing committees are formed every year at the first sitting after the annual general elections.

Power of chairman of committee.

**48.** The chairman of each committee has, as regards every meeting of the committee, the same power as the mayor.

He convenes the meetings of the committee by a written notice left at the domicile of each member at least four hours before that fixed for the meeting. Convocation of committee.

In the event of a member of a committee being absent from a meeting thereof without a valid reason, he may, on a report made to the council of such absence, be censured by the mayor upon the advice of the council, and, if the offence be repeated, be condemned to a fine up to ten dollars. Fine for non-attendance upon committee.

**49.** The council may replace any member of the said committee whenever it deems expedient. Replacing of members of committee.

**50.** The mayor is *ex-officio* a member of every committee and he may vote therein, and, in the finance committee, he shall also give his casting vote when the votes are equally divided. Mayor *ex-officio* member of committee and power to vote.

**51.** The committees render account of their labors and their decisions by reports signed by their chairman or by a majority of the members who compose them. Reports of committees.

No report or order whatever of a committee has any effect, until it has been adopted by the council. Reports to be adopted by council.

**52.** The council or its committees, on every question or matter pending before them, may : Power of council and committees :

1. Take communication of all documents or writings produced in evidence ; To examine documents &c ;
2. Summon any person residing in the Province, on a warrant of the mayor or of the chairman of a committee ; Summon witnesses ;
3. Examine under oath the parties and the witnesses produced by the parties, or any person summoned to appear, as aforesaid, in an inquiry into any matter of public interest within the jurisdiction of the council. Examine parties and their witnesses.

**53.** No one is bound to appear as a witness before the council or its committees, unless his reasonable travelling expenses, for both going and coming, have been tendered or paid him ; as well as compensation for loss of time, which is fixed at fifty cents for every person who does not reside more than one mile outside the limits of the town. Travelling expenses &c., to be paid to persons summoned as witnesses.

**54.** Every person, so summoned as a witness before the council or its committees who, without just cause, fails to appear at the time and place mentioned in the summons, when the compensation mentioned in the preceding article has been paid or offered to him, shall incur a fine of not less than four nor more than ten dollars, or imprisonment not to exceed fifteen days. Fine upon witnesses summoned not attending.

§ 3.—*Sessions of the council.*

- Sessions when to be held.** **55.** The council has the right, by resolution, to determine the place, within the limits of the city, where its sessions shall be held.
- Quorum of council.** The quorum of the council is fixed by article 33.
- Oath of office to be taken at first session if not before.** **56.** At the first session of the council after the election, the newly elected members take the oath of office, if they have not already done so, and the members then present are competent to act, provided they form a majority of the council.
- Power of members to act if majority.**
- Who presides at opening of first session of new council.** **57.** If the new mayor be present and has not previously been sworn, the first session of the council after the election shall be opened by the retiring mayor, or, in his absence, by one of the old councillors who shall leave his seat as soon as the new mayor is sworn.
- Absence of mayor provided for.** In the absence of the mayor elect, the pro-mayor or an alderman shall take the chair and the council shall proceed to business.
- Monthly sessions of council when and where to be held.** **58.** The council meets at least once a month to despatch the business of the town, and holds its sessions on the day and at the hour which it determines by by-law, in the town hall or any other place in the town, which may be decided upon either temporarily or permanently.
- Monthly general meeting when to be held until otherwise fixed.** Until otherwise decided, the monthly general meeting shall be held on the first Monday of the month, at the hour of seven in the evening.
- Sessions public. Exception.** **59.** All the sessions of the council are public, except when the council has to judge any of its members for any reason whatsoever, in which case, at the request of the member inculpated or of two councillors, it sits with closed doors.
- Sessions private if conduct of officers, &c. under consideration.** **60.** The council also sits with closed doors at the request of two members, when it has to judge of the conduct of one of its officers or employees.
- Personal charges against member to be in writing.** **61.** No personal accusation of a serious nature against any member by one of his colleagues can be made otherwise than in writing.
- Who presides over council.** **62.** The sessions of the council are presided over by the mayor, or in default of the mayor by the pro-mayor, or, in default of both, by any member chosen from the councillors present.
- Presiding officer maintains order.** The presiding officer maintains order and decorum, and decides questions of order, saving an appeal to the council

**63.** Every disputed question is decided by a majority of the votes of the members present, except in cases where the votes of two-thirds of the members of the council or of the members present are required.

Majority to decide.  
Exception.

The mayor or person presiding may give his opinion but not his vote, except when the votes are equally divided, when he is bound to give the casting vote, giving his reasons if he so desires.

Casting vote of chairman.

**64.** No member of the council can take part in the discussion of any question in which he has a personal interest, under this act, in case of contestation.

Member interested not to take part in discussion.

The council, in case of dispute, decides whether the member has or has not a personal interest in the question; and such member has no right to vote on the question of his interest, although he may explain why he should not be recusable.

Decision as to interest.

**65.** If there be a quorum, any ordinary or special session may be adjourned by the council to any other hour of the same day, without its being necessary to give notice of the adjournment to members not present.

Adjournment, if quorum, to another hour same day.

But in the case of adjournment to another day, notice must be given to the absent members.

Adjournment to another day.

**66.** When there is no quorum at any regular or special or adjourned session, any two members of the council may adjourn the session for the space of one hour.

Adjournment for want of a quorum.

The hour of adjournment and the names of the members of the council present are entered in the minutes of the sitting, in the book of the proceedings of the council.

Entry in minutes.

Unless it be otherwise decreed by the by-laws, members who are absent from the session, and who are also absent at the time of such adjournment, may be condemned by the members present to a fine not exceeding five dollars.

Fine upon absent members.

However, such fine cannot be imposed unless a special notice of the adjournment has been personally served by the secretary-treasurer on the member whose absence is repeated, as aforesaid.

Notice required.

The service of such notice is established when the adjourned session is resumed, in the same manner as in the case of a special session, and the absence of service of such notice renders null all proceedings adopted at such part of the adjourned session.

Establishment of service of notice.

**67.** The council may, by by-law or resolution, compel the members of the council or of the committees to perform their duties, and impose fines on them for neglect or omission in the performance of their duties.

Fines may be imposed to compel performance of duties.

Order of  
business.

**68.** The council may, by by-law or resolution determine the order in which its business shall be despatched.

Fines for  
breach of  
order during  
sessions, &c.

**69.** The council may also pass by-laws for the maintenance of order during its sessions, and, by such by-laws, impose a fine from one to twenty dollars, or an imprisonment of from one day at least to thirty days in default of payment, for any contempt by the members or persons present at the sessions.

Fines may be  
inflicted *instantly*.

In the case of disorderly conduct or reprehensible language, the mayor or presiding officer may inflict the above punishment on the spot; the sentence shall be pronounced *instantly* and the order for arrest and commitment may be given and executed at once.

Expulsion of  
disorderly  
member.

**70.** The mayor or pro-mayor may give orders to expel from the council room, until the adjournment of the session, any member who shall persist in his reprehensible conduct after having been called to order.

Motion there-  
for.

However, the order of expulsion cannot be given or executed unless a motion to that effect is adopted by, at least, three-fourths of the members present.

To be always  
in order.

Such motion is always in order, and is moved and decided without debate.

Convocation of  
special ses-  
sions.

**71.** The mayor may, if necessary, convene special sessions of the council.

Convocation  
by two mem-  
bers.

Whenever two members desire to have a special session, they shall apply to the mayor to have one called, and, if the mayor be absent from the town or refuse to act, they may convene it themselves by specifying, in a written document addressed to the secretary-treasurer, the object for which they convene the session, and the day and hour at which they wish to have it hold.

Secretary-  
treasurer  
bound to  
convene  
when re-  
quired.

The secretary-treasurer is bound, on receipt of such notification, to call the session and give notice thereof to all the members of the council, other than those who convene it, and mention the names of the latter.

Notice for  
special ses-  
sions.

**72.** Every notice of the calling of a special session of the council is given by the secretary-treasurer, at least twenty-four hours before the time fixed for the session.

Service of  
notice.

Such notice is served by the inspector or by a bailiff or a constable, and a return is made under their oath of office upon a duplicate thereof.

How effected.

The service is effected by leaving a duplicate of the notice with the members of the council either personally or at their offices, residences or place of business.

Subjects to be  
considered at  
special ses-  
sions.

**73.** At a special session, the subjects or matters mentioned in the notice calling the council together can alone be taken into consideration.

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served upon all the members.

If the notice of meeting has not been served on all the members, the session is immediately closed.

Before proceeding to business it must be ascertained that that notice was served. If not served meeting closes.

## SECTION VI.

## OFFICERS OF THE COUNCIL.

## § 1.—General provisions.

**74.** The council may appoint, dismiss and replace an inspector and all such officers, employees, constables and policemen as are necessary to carry out the laws, by-laws and ordinances, and allow them, for their services, such salary, remuneration and compensation as it may deem fit.

Council may appoint, etc. officers, &c.

**75.** It may appoint a rural inspector who shall be subject to the provisions of the Municipal Code governing rural inspectors, *mutatis mutandis*.

Rural inspector or.

**76.** After their appointment and before entering into office, the municipal officers or employees, constables, officers and men of the police force and other officials, shall take oath according to form A, to well and faithfully perform the duties of their respective offices.

Oath to be taken before entering into office.

The omission during ten days to take such oath of office, shall constitute a refusal to accept the office for which the oath is required.

Effect of omission to take oath.

**77.** The council may require of all persons employed by it, in any capacity whatsoever, such security as it may deem sufficient to secure the due execution by such persons of the duties which devolve on them.

Security may be required.

**78.** All officers and employees of the council shall remain in office during good pleasure only.

Officers appointed during pleasure.

The council may remove them without any other compensation, than the proportion of their salaries or emoluments due at the time of their removal.

Removal of officers.

**79.** The council may, by by-law, define the duties, not defined by this act, of its officers, employees, police officers and constables, and impose penalties or fines upon them for neglect in the performance of their duties,

Duties of officers may be defined, &c.

**80.** Whenever an act or proceeding must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in special cases otherwise provided for.

Majority may perform duties if more than two.

Books, &c., to be delivered up by officer retired from service.

**81.** Every municipal officer, who has ceased to discharge the duties of his office, is bound to deliver, within eight days next following, to the mayor, or at the office of the council, all the moneys, keys, books, papers, insignia, documents, archives and other things belonging to the council.

Representatives, &c., to deliver up books, &c., of deceased, &c., officer.

**82.** If any municipal officer dies, or absents himself from the town, his representatives or heirs are bound, within one month from his death or absence, to deliver to the mayor, or at the office of the council the moneys, keys, books, papers, insignia, documents, archives and things belonging to the council, and which he had in charge in the execution of the office so held by him.

Recourse of corporation.

**83.** In the case of the two preceding articles, the council is entitled, in addition to any other legal recourse whatsoever, to recover, by process of revendication, from such officer or his representatives, all such moneys, keys, books, insignia, archives or other things, with costs and damages.

The council may exercise the same rights and obtain the same remedy against all other persons having in their possession, and refusing to deliver up such things.

Coercive imprisonment may be asked for.

**84.** In the exercise of its legal rights and recourse provided for in the preceding article, the council may conclude for coercive imprisonment, which may be ordered against the defendant who has been condemned.

Reports by secretary-treasurer and others to council.

**85.** The secretary-treasurer, and all other officers and employees of the corporation, are bound to give an accurate report in writing, and in the manner determined by the council, to the council or any authorized person, upon all matters connected with their respective duties, and to render an account of the moneys collected by them and of those expended or disbursed by them for the council and under its control, specifying the objects for which such moneys were so paid or disbursed.

Action to account.

**86.** The council may bring an action to account against any employee responsible for corporation moneys, and such employee shall, if need be, be condemned to render account, to pay the sum which he is declared to owe, with interest and costs of suit.

Judgment thereon carries coercive imprisonment.

Every such judgment carries with it coercive imprisonment, and does not stay criminal proceedings for malversation, embezzlement or other offences.

#### § 2.—Secretary-treasurer.

Keeper of archives.

**87.** The council shall always have an officer as keeper of its office and archives.

**88.** Such officer is styled the "secretary-treasurer." Name of officer and his oath.  
 He takes the oath of the office before the mayor or a justice of the peace.

**89.** As soon as he is appointed, the secretary treasurer Appointment of assistant-secretary-treasurer.  
 appoints under his hand, with the authorization of the council, an assistant-secretary-treasurer, whose duties consist in replacing the secretary-treasurer in the event of illness, absence or other inability.

**90.** In the performance of his office, such assistant is Rights, &c., of assistant.  
 vested with the same rights, powers and privileges, is subject to the same duties and obligations and liable to the same penalties as the secretary-treasurer.

**91.** The secretary-treasurer and his sureties are respon- Secretary-treasurer, etc. responsible for acts of assistant.  
 sible for all the acts and omissions of the assistant-secretary-treasurer.

**92.** With the authorization of the council, the secretary- Replacing of assistant.  
 treasurer may dismiss and replace his assistant.

**93.** The secretary-treasurer shall be the keeper of all the Secretary-treasurer keeper of books, &c.  
 books, registers, plans, maps, archives and other documents and papers, which are the property of the council, or are produced, filed and preserved in the office of the council.

He is not to divest himself of the custody of such archives, Not to divest himself of custody thereof, &c.  
 except with the permission of the council, or upon an order of a competent tribunal.

**94.** He must keep a register in which he enters sum- Register to be kept by him.  
 marily, by order of date, all reports, *procès-verbaux*, acts of apportionment, valuation rolls, collection rolls, judgments, maps, plans, statements, notices, papers and documents what-soever, which come into his possession while he is in office.

**95.** He shall attend at all sessions of the council, and Attends sessions of council, &c.  
 draw up minutes of all the acts and proceedings thereof in a register kept for that purpose and called "register of proceedings."

**96.** All minutes of the sittings of the council are Minutes how signed.  
 signed by the president and countersigned by the secretary-treasurer at the next following meeting.

**97.** Whenever a by-law or a resolution is amended or Entry in register when by-law, &c. amended.  
 repealed, mention shall be made thereof in the margin of the register of proceedings, opposite such by-law or resolution, together with the date of the amendment or repeal.  
 The same mention is made in the book of by-laws.

Secretary-treasurer has charge of moneys. Deposits funds in bank. How withdrawn.

**98.** The secretary-treasurer collects and has charge of all moneys of the corporation.

He deposits all the funds of the city, in a corporate bank, and they cannot be withdrawn therefrom, except for municipal purposes, authorized by the council, upon a cheque signed by the mayor and secretary-treasurer.

How funds are paid out

**99.** He cannot pay out any of the funds of the city except upon an order of the council, or upon a written order signed by the mayor or two members of the finance committee.

Effect of possession of order to pay.

Such order, in the hands of the secretary-treasurer or treasurer, is *prima facie* evidence that the amount therein mentioned has been paid.

Secretary-treasurer's books of account.

**100.** The secretary-treasurer keeps, in due and proper form, books of account, in which he enters, by order of date, each item of receipt and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has paid any.

Vouchers to be kept.

He keeps in his office all vouchers for expenditure.

Penalty against secretary-treasurer : Granting discharges without being paid ;

**101.** No secretary-treasurer can, under a penalty of twenty dollars for each infraction :

1. Grant discharges to rate-payers or other persons indebted to the corporation for municipal taxes or other debts, without having actually received in cash, or in lawful value, or in accepted bank cheques, the amount mentioned in such discharges ;

Lending corporation moneys.

2. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whomsoever, moneys belonging to the corporation.

Books, etc., open for inspection.

**102.** The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his possession as archives of the council, are open for inspection and examination during office hours to all rate-payers of the municipality, or their attorneys.

Copies, &c., of books to be delivered on payment of fees.

**103.** The secretary-treasurer is bound to deliver, upon payment of the fees fixed by the council, to any person applying for the same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives.

To be authentic.

Such copies or extracts, when certified by the secretary-treasurer, are authentic.

Fees in default of tariff.

In default of a tariff established by the council, the secretary-treasurer may exact for such copies or extracts of and from documents, ten cents every hundred words, and fifty cents for every certificate at the foot of each copy or extract.

Every such extract and certificate shall be given without charge when the council or any of its officers require the same. If corporation &c., require copies.

**104.** The secretary-treasurer is bound to render an account in detail of his receipts and expenditure, whenever he is called upon by the council to do so, and to publish, fifteen days before the elections in every year, over his signature and that of the auditors, a report covering all the financial transactions of the corporation during the twelve months, from the first of January to the thirty-first of December, each year. Accounts by secretary-treasurer.

### § 3.—Auditors.

**105.** At the first session of the council after the annual elections, or as soon as possible, the council appoints two auditors, chosen from the rate-payers, who are not members or officers of the council, and who have no contract or bargain therewith. Appointment of auditors.

Before acting, they take the oath according to form A. Oath before acting.

**106.** The auditors, as often as the council may require, audit the receipts and expenditure of the secretary-treasurer, or treasurer, who is bound to account, as well as all the financial operations of the council. Duties of auditors.

### § 4.—Valuators.

**107.** The council may appoint valuers or assessors whose powers, rights, duties and obligations are set forth in articles 462 and following of this act. Appointment of valuers, &c.

## TITLE II.

### PERSONS QUALIFIED OR DISQUALIFIED FOR, OR EXEMPT FROM MUNICIPAL OFFICE.

#### SECTION I.

##### PERSONS QUALIFIED FOR MUNICIPAL OFFICE.

**108.** Every male resident of full age in the town, not declared disqualified by a provision of this act, shall be capable of discharging a municipal office therein. Qualification for municipal office.

#### SECTION II.

##### PERSONS DISQUALIFIED FOR MUNICIPAL OFFICE.

**109.** The following persons cannot be elected mayor or councillor nor perform the duties thereof; nor be appointed to nor fill municipal offices: Persons disqualified for municipal office.

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council ;
4. The judges or magistrates receiving emoluments from the Federal or Local Governments or from the city ;
5. Officers on full pay of Her Majesty's Army or Navy, and the officers and men of the police force ;
6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such within the preceding twelve months ;
7. Whosoever has no domicile or place of business in the town for at least one year previous to the election or nomination ;
8. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, when he receives a monthly or yearly salary, or who has, directly or indirectly, by himself or his partner, any contract with the corporation ;  
Nevertheless, a shareholder in any incorporated company, which has any contract or agreement with the corporation, or which receives a bonus therefrom, is not disqualified from acting as a member of the council ; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company ;
9. Whosoever cannot read or write fluently ;  
It shall not be sufficient that he can read print or write his name, or even do both ;
10. Aliens ;
11. The officer presiding at the election, or any person employed by the council or by such presiding officer in connection with an election ;
12. Any person convicted of treason or felony by any court of justice ;
13. Persons who are responsible for moneys belonging to the city, or who are sureties for any employee of the council ;
14. Public officers.

Real estate  
qualification  
for mayor or  
councillor.

**110.** No one can be elected or appointed mayor or councillor, unless he possesses in the city for at least twelve months, as owner, in his own name, or unless his wife separated as to property, possesses under registered title deeds, real estate to the value of one thousand dollars for the office of mayor, and five hundred dollars for that of councillor, after deduction of all debts affecting such real estate, the value whereof shall be established according to the valuation roll in force.

**111.** Upon a written demand made by a member of the council, before the council, to the mayor or any councillor present, such mayor or councillor shall, within the eight days following, give in writing and under oath, and deposit in the office of the council, a declaration of qualification containing the description of the real estate in virtue of which he is qualified to sit.

Declaration of qualification to be filed of required.

**112.** No person, surety for any secretary-treasurer or for any municipal employee, can be a member of the council of which such secretary-treasurer is the officer, before he is freed from all obligations to the corporation arising from his bond as surety.

Sureties not be members of council.

**113.** Whoever has been appointed to any municipal office for which he becomes disqualified during his exercise of such office, shall give, without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation.

Duty of person becoming disqualified while holding office to give notice.

Until such formality is accomplished, such person is to be deemed to have continued in the exercise of such office and is liable to all fines, prosecutions and other rights of action prescribed and authorized by this act.

If notice not given.

**114.** If the disqualification of a person appointed to a municipal office is notorious or sufficiently established, the council may, by resolution, declare the office of such person vacant, saving any recourse on the part of the person appointed.

If disqualification notorious.

The vacancy is then filled in the ordinary manner and within the delay prescribed.

Vacancy how filled.

**115.** A councillor cannot be nominated as a candidate for the office of mayor unless he has previously resigned as councillor at least fifteen days before the nomination.

Councillor to resign before being nominated as candidate for mayor.

#### SECTION III.

##### PERSONS EXEMPT FROM MUNICIPAL OFFICE.

**116.** The following persons may claim exemption from any municipal office :

Person who may claim exemption from municipal office.

1. Members of the Senate, of the House of Commons, of the Executive Council, and of the Provincial Legislature ;
2. Teachers engaged in their profession ;
3. Licensed pilots, persons engaged in navigation, and millers ;
4. Persons of over sixty years of age ;
5. Gaolers and keepers of houses of confinement, of correction, or of reformatory schools ;
6. All persons employed on railways.

Persons who have already discharged office within certain time.

**117.** Any person, having discharged any office under the council during the two years next preceding, may refuse to accept any office whatever under the same council, during the two years next after such service.

### TITLE III.

#### MUNICIPAL NOTICES.

Notices how drawn up, published and served.

**118.** Every notice given, under the provisions of this act, of the orders of the council, or for municipal purposes, is drawn up, and published or served, in accordance with the formalities prescribed in the following articles.

Notices public or special.

**119.** Every notice is either special or public, and shall be given in writing or be printed.

Service of special and publication of public notices.

Public notices are published ; special notices are served.

Attestation of copies.

**120.** Every copy of a notice which must be served, published or posted up, is attested, either by the person who gives such notice or by the secretary-treasurer.

Certificate of service, &c., publication.

**121.** The original of every notice shall be accompanied by a certificate of publication or of service, made by the person publishing or serving the same.

Original to be filed

The original of such notice and the certificate which accompanies it are filed, by the person who has given the notice, in the office of the council, to form part of the municipal records.

Service how effected.

**122.** Except in the case where the service is made by mail under article 124, the service of a special notice is effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile, or at his place of business, even when occupied by him in partnership with some other person, during business hours.

Appointment of agent by absent proprietor.

**123.** Every owner of land or rate-payer, domiciled without the limits of the town, may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

Powers of agent do not extend to voting.

Such agent, however, cannot represent his principal for the purposes of municipal elections, nor of voting on by-laws submitted for the approval of the electors who are proprietors under articles 303 and following.

Service of notice upon agent.

**124.** The special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the town, is served on such agent.

If an agent has not been appointed, the notice is served by lodging in the post office of the town a copy thereof in a sealed and registered envelope addressed to the absent proprietor or rate-payer if his address is known.

If no agent appointed.

**125.** No one is bound to give a special notice to any absent proprietor or rate-payer who has not appointed an attorney or agent, unless such proprietor has made known his address in writing by filing the same in the office of the council.

Notices need not be given to absent proprietors without agent, etc.

**126.** Special notices cannot be served, except upon juridical days and between the hours of seven in the morning and seven in the afternoon.

Services when to be effected.

**127.** If the doors of the domicile or place of business, where service of a special notice should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of such domicile or place of business.

If doors, &c., closed how service effected.

**128.** Unless otherwise provided for, the publication of a public notice for municipal purposes shall be made by posting up a copy of such notice, at the places in the town determined by resolution of the council.

Publication of public notices how effected.

In default of such resolution, the public notice is posted upon the door of the Roman Catholic parish church, and in the public hall of the post-office and on the portion of the secretary-treasurer's office devoted to the public.

**129.** A public notice is given in the English and the French languages, and when it has to be published in the newspapers, it is inserted in two newspapers published in the town, one in the English and the other in the French language.

Public notice to be in both languages; how given and published in newspapers.

One insertion is sufficient.

One insertion only.

**130.** The council or the person giving the public notice may have it published in two newspapers in accordance with the preceding article.

Notice may be published in two newspapers.

**131.** Except in cases otherwise provided for, the intermediate delay after a public notice dates from the day on which such notice has been made public.

Intermediate delays on public notice.

If it is ordered that the notice must be published in a newspaper, the intermediate delay dates from the day of the first insertion of such notice in the newspaper.

In all cases the day on which the notice was made public does not count.

Day of publication not to count.

Public notices  
binding on  
all.  
Exception.

**132.** Public notices are applicable to and binding upon proprietors and rate-payers domiciled out of the town in the same manner as upon residents, except in cases of expropriation and other cases otherwise provided for.

Effect of  
acquiescing  
in notice.

**133.** Any person who acquiesces in that which is required by a notice, or who, in any manner, what-ever, becomes sufficiently acquainted with its tenor or object, cannot thereafter avail himself of the insufficiency or irregularity of such notice, or of the omission of its publication or service.

#### TITLE IV.

##### MUNICIPAL ELECTORS

###### SECTION I.

###### PERSONS QUALIFIED AS ELECTORS.

Persons  
qualified as  
electors.

**134.** The following persons, being of the male sex and of the full age of twenty-one years, are entitled to be registered upon the electors' list for the town, and, when so registered, to vote at elections to be held under the provisions of this act, namely :

Proprietors,

1. Every person entered on the last valuation roll, in force, as the owner of immovable property in the town of the assessed value of at least one hundred dollars as shown on the valuation roll.

If such immovable property is owned by several persons *par indivis*, each of them shall be entitled to a vote in respect thereof, provided the proportion of the assessed value of the property, corresponding to his share thereof, amounts to a sum sufficient to qualify him as a voter ;

Tenants &c. :  
of dwellin  
houses ;

2. Every person residing in the town whose name is entered on the last valuation roll in force as tenant or occupant of a house or part of a house in the town of the annual value of at least thirty dollars ;

Tenants &c.,  
of ware-  
houses &c. ;

3. Every person, entered on the last assessment roll in force as the tenant or occupant of any warehouse, counting-house, shop, office or place of business in the town, of the annual value of at least thirty dollars, even when such person does not reside and is not a householder therein.

This provision applies to any person belonging to a firm or association and whose proportion or share of the rent or annual value amounts to at least thirty dollars, even when such person does not reside and is not a householder in such ward

But in either case, such person must himself occupy such warehouse, counting-house, shop, office or place of business.

4. The persons mentioned in § 4 of article 494 of this act and who are entered on the last valuation roll in force. Persons mentioned in art. 494 § 4.

**135.** In any case, in order to be qualified as municipal electors and to be entitled to vote at the elections under this act, the persons mentioned in the preceding article must moreover comply with the following conditions : Certain conditions required.

1. They must have paid, on or before the previous thirty-first of December, all municipal claims due either in their own name or in that of their wives ; Payment of taxes, &c.

2. They must also at the time the electoral list is made up, have the status and condition specified on the valuation roll and which qualify them as electors. Status required.

**136.** The secretary-treasurers of the schools of the town are, under penalty of a fine of fifty dollars, bound to furnish the secretary-treasurer of the council, within the first five days of each year, with a certified list of the persons who have paid their school taxes on or before the previous thirty-first of December. List of persons who have paid school taxes to be furnished to secretary-treasurer.

## SECTION II.

### LIST OF ELECTORS.

**137.** Before the fifteenth of January in each year, the secretary-treasurer is bound to make for the town an alphabetical list of the names of the persons who, according to the books and list supplied by secretaries of schools appear to have paid all their municipal and school dues up to the thirty-first of the previous December, inclusively, and who, according to the valuation roll of the town then in force, appear to be electors under the terms of this act. List of electors when and how made.

**138.** If there be more than three hundred qualified electors, the secretary-treasurer divides the list of electors and makes a special list for each poll house following the alphabetical order according to the first letter of their family name, commencing with the letter A for poll number one, and so on. Division of list in certain cases.

**139.** In making such lists, the secretary-treasurer enters the name of an elector only on one list ; and shall not include the names of more than three hundred electors on any of such list. How names are entered on list &c.

**140.** In addition to the elector's name, the list must also mention his status, and especially the quality by reason of which he is an elector, if he is proprietor, tenant or professional man, indicating the profession. Contents of list.

Deposit of  
lists.

**141.** After having drawn up such lists, and certified their accuracy at the foot thereof, the secretary-treasurer deposits them in the office of the council.

Notice of  
deposit.

**142.** The secretary-treasurer forthwith gives public notice, which is posted and published, stating that such lists are filed in his office, there to remain open to the examination of the parties interested or their representatives, during the ten days next after the date of the publication of such notice.

Complaints.

**143.** In such space of ten days, any person having any ground of complaint in respect of such lists or of any one of them, personally or for another, may complain thereof, by giving to that end a written notice to the secretary-treasurer, specifying the grounds of his complaint.

When to be  
received.

**144.** No application for the insertion or striking of a name on such lists, is accepted in the office of the secretary-treasurer, after four o'clock in the afternoon of the tenth day after the date of the notice mentioned in article 142.

Hearing of  
complaints  
before revisors.

**145.** At seven in the evening of the tenth day mentioned in the previous article, a board of revisors, composed of three members of the council, previously appointed by the council for the purpose, or, in default of the council, by the mayor, proceed to the revision and amendment of the lists, in the office of the council.

Proceedings.

It shall proceed without delay and adjourn from day to day if necessary until the list is finally revised.

Revisors to act  
together, &c.

**146.** Such three revisors act together under their oath of office as councillors, and under the chairmanship of one of them.

Secretary of  
board.  
Penalty.

The secretary-treasurer acts as secretary of the revisors. They are obliged to perform the duties of their office under the penalty of a fine of fifty dollars.

Appointment  
of other board,  
if first does  
not act.

**147.** If the three revisors do not meet on the day fixed, the mayor may appoint others who shall meet on the following evening, and, from day to day, at the same hour and at the same place until the revision of the lists be completed.

Revision by  
secretary-  
treasurer.

In default of the revision and completion of the lists, as aforesaid, within the five days preceding the election, the secretary-treasurer shall, under his oath of office, revise and complete the same before the election.

What board is  
to consider.

**148.** The board of revisors or the secretary-treasurer, as the case may be, shall take into consideration the written

complaints only, hear the parties interested, examine them together with their witnesses, under oath, maintain the lists or make the necessary additions and corrections thereto.

It may correct any errors and supply any accidental omissions made in such lists. Powers of board, &c.

The oath is administered to the parties and their witnesses by the chairman of the revisors or by the secretary-treasurer, as the case may be. Swearing of witnesses.

**149.** Every application for striking a name from the lists shall be served upon the party interested by a bailiff or constable, and a return of the service shall be filed with the complaint before the revisors. Notice to party whose name is to be struck.

**150.** The lists so revised are signed by the chairman of the board of revisors, countersigned by the secretary-treasurer, or signed only by the secretary-treasurer, as the case may be. Lists to be signed, and by whom.

**151.** Such lists, to the exclusion of all others, remain in force up to the entry into effect of the new lists drawn up in virtue of these provisions. Such lists to be then in force and for how long.

## TITLE V.

### GENERAL ELECTIONS.

#### SECTION I.

##### PRELIMINARY PROVISIONS.

**152.** The mayor is elected for one year, by the majority of the votes of the municipal electors of the town. Mayor to be elected for one year and by whom.

**153.** The councillors are elected for three years in each ward by the majority of the votes of the municipal electors of the town. Councillors, for three years, etc.

The present order of their renewal shall continue to be observed. Order of renewal

**154.** The duties of the members of the council who go out of office cease at the opening of the first general or special session held after the annual elections, and the duties of the newly elected members commence at that session, provided they are sworn. when duties commence and cease.

#### SECTION II.

##### DATE OF THE ELECTIONS.

**155.** The general elections are held annually in the month of February. Elections when to be held.

Nomination  
when and  
where to be  
held.

**156.** The nomination of the candidates shall take place on the third Monday of February, at the hour of ten in the forenoon, in a room in the city hall, in default of any other place indicated by the council.

Poll when to  
be held.

**157.** When a poll is necessary, it shall be held from the hour of eight in the morning to five in the evening on the Monday of the following week or the day of the week corresponding to that of the nomination, if such nomination did not take place on the Monday.

#### SECTION III.

##### HOLDING OF ELECTIONS.

##### § 1.—*Convening the electors.*

Notice of  
elections.

**158.** At least eight days before the nomination of candidates for the office of mayor and of councillors, the mayor, and in his default the pro-mayor, and in default of both, the secretary-treasurer shall give public notice published and posted, announcing such election, and calling together a general meeting of the electors for the nomination of such candidates.

• Meeting to be  
held, though  
no notice  
given.  
Penalty.

**159.** The omission to give such notice, does not prevent the meeting of the municipal electors from being held; but the persons who are bound and who have neglected to give such notice, each incur a fine of twenty dollars, payable to the corporation.

##### § 2.—*Presiding officer and election clerk.*

Appointment  
of officer to  
preside.

**160.** The council appoints one of its members to preside at the election, in default of which the secretary-treasurer, *ex-officio*, presides at every municipal election.

Election clerk  
and his duties.

**161.** The presiding officer appoints an election clerk to assist him in the performance of his duties relative to the elections; and, if the presiding officer be absent or unable to act, the election clerk performs the duties of the presiding officer and is liable to the same penalties.

His oath.

The election clerk makes oath to well and faithfully perform the duties of his office.

Duty of pre-  
siding officer.

**162.** The presiding officer presides at the general meeting on nomination day, and shall remain, as much as possible, at the city hall on polling days.

Acts on oath  
of office.

**163.** The presiding officer acts, as such, under his oath of office as member or officer of the council.

**164.** He has the same powers as a justice of the peace, Power as justice of the peace. and may exercise the same throughout the municipality, from eight o'clock in the morning, of the nomination day until nine o'clock of the following morning, if there be no poll.

In the contrary case, he may exercise the same until nine o'clock in the morning of the second day after the polling.

**165.** At the opening of the meeting, the presiding officer or the clerk reads the notice convening the meeting, Duty of presiding officer at opening of meeting. if such notice was published, and, if otherwise, he informs the electors of the object of the meeting.

§ 3.—*Nomination of candidates and election by acclamation.*

**166.** The presiding officer receives the nomination papers, Nomination of candidates. and nominates the candidates proposed by such nomination papers.

**167.** The nomination paper shall contain the names, Contents of nomination paper. surnames, quality and residence of each candidate.

For the office of mayor, as for the office of councillor, it shall be signed by at least ten qualified electors of the town. Number to sign.

**168.** The nomination paper shall be accompanied by an affidavit by a rate-payer, other than the candidate, who shall attest the same under oath before the presiding officer, the secretary-treasurer or a justice of the peace, setting forth that the signatures to the said paper, or at least the required number thereof, have been affixed in his presence. Attestation of signatures.

**169.** The presiding officer shall, at the request of any elector, ascertain whether a sufficient number of qualified electors have signed the nomination paper. Nomination paper may be examined for certain purposes.

If the number be insufficient, the paper may be corrected, provided there be time enough to do so. Correction thereof.

**170.** If, at the expiration of one hour from the opening of the meeting, there be nominated only the number of candidates required for any of such offices, such candidates shall be elected *ipso facto*, and the presiding officer shall pronounce them so elected. Unopposed candidates.

**171.** If more than the required number of candidates be nominated for each such office, an election shall be held for such office in the manner required by this act. Polling, if there is contestation.

No one can be voted for and elected unless he has been previously nominated as aforesaid. Voting limited to persons nominated.

Appointment by Lieutenant-Governor. If no candidate is nominated, the Lieutenant-Governor may make such nomination.

Publication of names of candidates. **172.** The secretary-treasurer shall publish the names of the candidates nominated for each ward and also of those nominated for mayor, by means of a notice posted up on the door of his office, in the city hall, from the nomination day to the polling day.

#### SECTION IV.

##### VOTING.

#### § 1.—*Election officers.*

Appointment of other election officers. **173.** In addition to the presiding officer and election clerk, appointed under articles 160 and following, other election officers shall be appointed as hereinafter provided.

Deputy-presiding-officer. If the council has not already done so, the presiding officer shall appoint a deputy-presiding-officer for each poll house.

Poll clerk. He shall also appoint a poll-clerk for each poll.

Oath. Both these officers shall take the oath of office.

Poll for three hundred electors. There is a poll house for every three hundred electors.

Appointment of replacing officers in certain cases. **174.** If one of the deputy-presiding-officers or poll-clerks should die or become unable to perform the duties of his office, through illness, absence or other cause, or should he refuse to accept such office or to perform the duties thereof, the presiding officer shall, at once, appoint another deputy-presiding-officer, or the latter shall appoint another clerk, as the case may be.

Services of presiding officer gratuitous. **175.** The presiding officer shall perform his duties without remuneration.

Payment of other officers. The deputy-presiding-officers shall be paid four dollars, and the poll-clerks two dollars.

Fine on officer infringing act. **176.** Every person acting as deputy-presiding-officer or poll-clerk at any poll, who shall maliciously infringe the provisions of this act, by receiving and registering any vote which is declared inadmissible, or refusing to receive a legal vote shall, for each offence, incur a penalty of twenty dollars for each vote, and, in default of payment, an imprisonment of one month.

#### § 2.—*Polls.*

Polls, when and where established. **177.** The council may order that polls be held in different places in the town, and in such case the presiding officer shall, in due time, select the places required for the polls.

If the council does not so decide, the polls shall be held in the public room of the town hall.

In public room of town hall &c.

**178.** The public room is, in such case, divided by means of screens or portable partitions into as many compartments as there are to be polls.

Division of public room in polling compartments.

At each of such polls there shall be a separate compartment into which the elector, screened from view, can go without intimidation or interference and deposit his ballot paper or papers in an envelope.

Separate compartment for electors.

**179.** In the event of the polls being established in different places in any ward, the places selected by the presiding officer for such polls must be easy of access with a door for the admission of the electors and, if possible, another door by which they may leave after voting.

If polls in different places. Doors.

These places must likewise have one or two compartments so arranged that the elector may, as stated in the preceding article, deposit in secret his ballot paper or papers in an envelope.

Compartments.

The electors can vote only at the poll where they have a right to vote, and where the list of electors containing their names is deposited.

Where electors vote.

**180.** The electors vote for one of the candidates for the office of mayor and for one of the candidates for the office of councillor of each ward.

Vote for mayor and one councillor for each ward.

**181.** If there be more than one councillor to elect for a ward, the electors may vote for as many candidates as there are offices to fill.

If more than one councillor to be elected.

**182.** Every municipal elector who votes more than once for the election of the mayor or for that of a councillor is liable to a fine of fifty dollars or in default of payment to an imprisonment of two months.

Penalty for voting illegally.

**183.** In all cases, the qualification required of electors is established by the list of electors.

Proof of qualification.

The electors must, however, have paid all municipal and school dues as required by this act.

Payment of dues.

**184.** Within two days after the final addition of the votes, the presiding officer shall give special notice of his election to each member of the council who has been elected.

Notice to members elected.

**185.** The absence of such notice shall not have the effect of invalidating the election nor of preventing the member elect from taking his seat.

Absence of notice.

Notice what  
to contain.

**186.** The notice shall mention the date, hour and place which the presiding officer shall fix for the first session of the council after the elections, which session shall be held within the eight days following such elections.

Report of pre-  
siding officer.

**187.** Within eight days next after the close of the election, the presiding officer shall draw up a faithful report of his proceedings, and shall forward it to the office of the council, together with the original notice to the candidates elected, with a copy or duplicate of the certificate given.

Such various documents shall be certified as faithful by him and shall form part of the archives of the council.

Election  
expenses.

The election expenses are paid by the corporation.

§ 3.—*Good order at elections.*

Additional  
powers of  
presiding offi-  
cer.

**188.** In addition to the powers conferred upon the presiding officer by article 164 of this act, he shall, for the purpose of maintaining peace and good order, have the right and power to swear in as many special constables as he may deem advisable.

Presiding or  
deputy pre-  
siding officer  
may require  
assistance.

**189.** The presiding officer or deputy-presiding-officers may, for the same purpose, by a verbal or written order, require the assistance of any justice of the peace, constable or other person residing in the town.

Licensed  
liquor shops,  
&c., to be  
closed during  
election.

**190.** During the whole time that the polls are open and for two hours after they are closed, it is forbidden for any person keeping or tavern or licensed house for the sale of spirituous or fermented liquors in the town and for their clerks or employees to sell or give any drinks or spirituous or fermented liquors to any person, under a penalty of a fine of one hundred dollars or of three months' imprisonment in default of payment.

Penalty.

Gift of liquors  
also prohib-  
ited.

Every person, who sells or gives any spirituous or fermented liquors during the election, shall be liable to the same penalty.

§ 4.—*Case when the elections are not held on the day appointed.*

Provision if  
election not  
held at proper  
time.

**191.** If it happens that the annual general elections do not take place at the time specified in this act, it shall be the duty of the councillors who do not retire from office, or the majority thereof, to assemble without delay to fix the days on which the nomination and the holding of the poll shall be held.

Notice of elec-  
tion.

The days so fixed shall be the soonest possible, and public notice of the election, which it is not necessary to insert in the papers, shall be given one clear day before the nomination.

**192.** If within fifteen days next after that on which the general elections should have taken place, the councillors who do not retire from office have not complied with the preceding article, each of them shall be liable to a penalty not exceeding twenty dollars. Fine on aldermen not complying with previous article.

In such latter case, it shall be the duty of the mayor in office or of the person who shall have last discharged the duties of mayor, under a penalty of one hundred dollars, to fix the days of the election and to give the notice required by the preceding article. Whose duty it then is to fix day for election.

**193.** If the mayor does not act in the manner mentioned in the preceding article, the Lieutenant-Governor may name a person and direct him to hold the elections or may himself appoint the mayor and councillors to be elected. Appointment by Lieutenant-Governor nor if mayor does not act.

#### SECTION V.

#### BALLOT.

#### § 1.—*Preliminary formalities.*

**194.** When a poll is necessary for the election of a mayor or councillor, the presiding officer shall, on or before the morning of voting, give to each of the deputy-presiding-officers the list, or a copy of the list, of the electors who are entitled to vote at the polls for which the deputy-presiding-officers are appointed, and deliver to each of them a sufficient number of envelopes to be used for the votes, a ballot box to receive the envelopes containing the ballot papers, a poll book, and a sufficient number of blank forms of the certificates and reports required and every thing required for a poll. Voters list, &c., to be supplied to deputy-presiding-officers.

**195.** Such ballot box shall be made of durable material, with lock and an opening in the top sufficient for the introduction of an envelope, and so constructed that the envelopes cannot be withdrawn without opening the box. How ballot box is to be made.

**196.** The ballot papers consist of papers, three inches square, on which are printed the names and description of the candidates as entered on the nomination paper with the word " Mayor, " if it be for the election of mayor or " councillor for.....ward, " if it be for the election of a councillor. Ballot papers, their contents and form.

Every ballot paper must be stamped with the seal of the corporation. To be stamped.

There must be a ballot paper for each candidate. One for each candidate.

**197.** The ballot papers for the election of the mayor are printed on white paper and those for the election of coun- Color of ballot paper.

cillor on coloured paper, the colour to be the same for the ballot papers of the candidates in all the wards.

Duty of secretary-treasurer as to printing of ballot papers, &c.

**198.** The secretary-treasurer or, in his default, the presiding officer, shall, immediately after the nomination, cause to be printed, in the name of each candidate and at the expense of the corporation, at least twice as many ballot papers as there are electors inscribed on the list of each poll, and shall also procure the necessary envelopes to supply the deputy-presiding-officers, which envelopes shall be made of strong paper and measure two inches and a half by three inches and a half.

To deliver to candidates ballot papers.

**199.** Two days at least before the voting, the secretary treasurer, or in his default the presiding officer, causes to be delivered to each candidate or to his authorized agent a sufficient number of ballot papers with the name and description of such candidate to enable them to supply the electors.

To deliver ballot papers to electors applying for them.

**200.** The secretary-treasurer shall also keep, in his office during the voting and during at least the two preceding days, a sufficient number of ballot papers, deposited separately in as many small boxes as there are candidates and shall deliver them to any elector who applies for the same.

If not enough ballot papers printed presiding officer to have ballot-written.  
Ballots written to be initialed, &c.

**201.** If there be not enough ballot papers printed for any of the candidates, the secretary-treasurer, or in his default, the presiding officer shall have ballot-papers written out in the same form as the printed ones.

However, such written ballot papers shall be initialed by the secretary-treasurer or by the presiding officer, as the case may be.

Printed directions.

**202.** The presiding-officer shall also furnish to each deputy-presiding-officer at least three copies of printed directions for the guidance of voters in voting

Posting of same.

The deputy-presiding-officer shall, on the day of the voting, at or before the opening of the poll, cause copies of such directions to be posted up in some conspicuous place outside of the poll and also in each compartment of the poll.

Oath of deputy and poll clerk.

**203.** The deputy-presiding-officer and the poll clerk shall respectively take the oaths prescribed for them, according to form A.

Before whom oath taken.

The deputy-presiding-officer takes the oath before the presiding-officer or the secretary-treasurer and the poll clerk before the deputy-presiding-officer.

**204.** Every candidate has the right to be present during the hours of voting at any poll ; but he may have himself represented by a person bearing an authorization signed by him. Candidate or representative may be present at poll, or one or two electors.

In default of an agent, one or two electors may represent a candidate upon their application to that effect.

§ 2.—*Voting.*

**205.** At the hour fixed for opening the poll, the deputy-presiding-officer and the poll clerk shall, in the presence of the candidates, their agents, or the electors present, open the ballot box, and ascertain that there are no ballots or other papers in the same. Proceedings previous to voting.

The box shall thereafter be at once locked, and the deputy-presiding-officer shall keep the key thereof. Box to be locked.

**206.** Immediately after the box is locked, the deputy-presiding-officer calls upon the electors to vote, and it shall be his duty to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested in or about the poll. Commencement of voting.

**207.** Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be at once recorded in a poll book to be kept for that purpose, in the usual form or such form as the council may adopt, by the deputy presiding-officer or poll-clerk. Mode of voting.

**208.** Before presenting himself at the poll to vote, the elector must have procured the necessary ballot papers. Elector to procure ballot paper.

**209.** The elector, on entering, must hold his ballot paper folded so that the name cannot be read. Ballot paper to be folded.

**210.** If his name is on the list of electors for the poll at which he presents himself to vote, the elector receives from the deputy-presiding-officer an envelope on the face of which the latter has previously placed his initials. Envelope initialed by deputy to be given to elector.

**211.** The deputy-presiding officer at each poll or his clerk shall, if thereunto required by a candidate or his representative or by an elector, tender to any person who presents himself to vote the following oath or affirmation : Oath to be taken.

"You swear (or affirm) :

"That you are of the full age of twenty-one years ;

"That your name is the same as that entered on the list of municipal electors ;

"That you have a right to vote at this election ;

"That you have not voted before for the office or offices to be filled at this election ;

"That you have not been guilty of any corrupt practice which disqualifies you from voting at this election ;

"That all your municipal and school as-sessments, taxes and dues which were exigible, were paid on or before the thirty-first of December last ;

"That you have not received or been promised any thing, for yourself, either through your wife or through any member of your family, or any of your friends, either directly or indirectly, to induce you to vote at this election, and that you have not already voted at this election, (of mayor or councillors as the case may be) ;

"That you have not acted nor intend to act in the interest of any candidate at this election, either as paid carter or paid canvasser, with a view of obtaining any thing for your trouble : So help you God."

Refusal to swear.

**212.** No envelope shall be given by the deputy-presiding-officer to any elector, who shall have refused to take the oath or affirmation mentioned in the preceding article, when thereunto required, or who having taken the same, shall not have answered in the manner prescribed ; and the vote of such elector is rejected and he cannot be allowed to present himself again to vote at the same election.

Oath exacted by deputy-presiding-officer.

**213.** Whenever any deputy-presiding-officer has reason to know or believe that any person, presenting himself to vote, has already voted at the election, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such deputy-presiding-officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law.

Placing of ballot paper in envelope.

**214.** The elector, on receiving the envelope from the deputy-presiding-officer, proceeds at once to the compartment set apart for the purpose and there places in the envelope the ballot paper or ballot papers in favor of the candidate or candidates, if there be more than one office to fill, for whom he wishes to vote.

Deposit of envelope containing ballot paper.

He shall at once bring back the envelope containing the ballot papers to the deputy presiding officer, who, after having ascertained that the envelope is the same as that supplied to such elector, and that it bears no mark made by the elector, deposits it in presence of the elector in the ballot box.

Envelope not to be sealed.

The envelope must not be sealed or pasted.

Spoilt envelopes.

**215.** If, by inadvertence, the elector has spoiled or torn the envelope supplied him, he is entitled to have another on returning the first one.

**216.** The elector must not make any mark on the ballot papers or on the envelope nor tear or injure them in any manner.

No marks, &c., on ballot papers or envelope.

**217.** The poll clerk shall enter in the poll book, opposite the name of each elector presenting himself to vote, and in the order in which they present themselves :

Entries in poll book.

1. The word "voted," as soon as the elector's ballot paper shall have been deposited in the ballot box ;

2. The word "sworn" or "affirmed," if the elector has taken the oath or affirmation ;

3. The words "refused to be sworn" or "refused to affirm," if the elector has refused to take the oath or affirmation ;

4. And shall designate, by a special mark on the list of electors, the names of those who have voted.

Entry on list of electors.

**218.** If a person, representing himself to be a particular elector named on the list of electors, applies for a ballot paper after another person has voted at such election, the applicant, upon taking the oath specified in article 211, shall be entitled to vote as any other elector.

Elector, in whose name another has voted, may vote on taking oath.

Mention shall be made in the poll-book of the fact, as well as of the oath, taken by such voter, and of any objections made to such vote, by entering the name of the candidate on whose behalf such objections have been raised.

Mention of oath and of any objections.

**219.** Whenever the deputy-presiding-officer shall not understand the language spoken by any elector claiming to vote, he shall wear an interpreter.

Interpreter.

**220.** Every elector shall vote without undue delay and shall quit the poll as soon as his envelope has been put into the ballot box.

Delay to be avoided.

**221.** No elector shall be allowed to take his envelope out of the poll under the penalty of being *ipso facto* deprived of his vote, and further of incurring a penalty not exceeding twenty dollars or imprisonment not exceeding one month, in default of payment.

Elector not to take envelope out of poll.

Penalty.

**222.** Whosoever :

Penalties for certain acts.

1. Voluntarily deceives an elector by giving him a ballot paper other than that he has asked for ;

2. Spoils, tears or marks a ballot paper with intent to cause the vote of an elector to be cancelled or lost ;

3. Substitutes another ballot paper for that which an elector holds, with intent to cause his vote to be lost or cancelled ;

4. Prints or causes ballot papers to be printed without being thereto authorized by this act or supplies them to the electors with intent to deceive them and have their votes lost or cancelled ;

Incurs a penalty of one hundred dollars and, in default of payment, an imprisonment of three months.

Elector not to be induced to show ballot paper.

**223.** No one shall directly or indirectly induce an elector to show him his ballot paper, when such elector presents himself to vote.

Interference prohibited.

**224.** No one shall interfere or attempt to interfere with an elector when he places his ballot papers in the envelope to vote, nor otherwise endeavour to ascertain the name of the candidate in whose favour an elector intends to vote or has voted, under penalty of a fine not exceeding fifty dollars or, in default of payment, an imprisonment not exceeding two months.

Secrecy as to voting.

**225.** Every election officer, candidate, agent and elector in attendance at a poll, shall maintain and aid in maintaining the secrecy of the voting at such poll.

Secrecy as to electors who have or have not voted.

None of such persons shall communicate, before the poll is closed, any information as to whether any person on the list of electors has or has not voted at that poll.

No information as to name of candidate voted for.

**226.** No election officer, candidate, agent, elector or other person, shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted.

Penalties.

**227.** Whoever acts in contravention of any of the provisions of the two preceding articles shall be liable to a penalty not exceeding fifty dollars, or imprisonment not exceeding two months in default of payment.

Penalty for certain offences as to envelope, &c.

**228.** Whoever fraudulently puts or attempts to put in a ballot box any paper other than the envelopes which he is authorized by law to put in, or who puts into an envelope containing ballot papers, or papers to be used in voting, any paper or object for the purpose of causing such elector to lose his vote, incurs, for such offence, a fine not exceeding one hundred dollars or, in default of payment, an imprisonment not exceeding three months.

Vote not to be disclosed.

**229.** No person shall, in any legal proceeding, be required to state for whom he has voted at any municipal election.

§ 3.— *Counting the votes.*

**230.** Immediately after the close of the voting, which <sup>Counting</sup> takes place at half past five o'clock in the afternoon, the deputy-presiding-officer, in the voting room and in presence of the poll clerk, and of the candidates or their agents, or in the absence of any one of the candidates or their agents, in the presence of at least three electors, opens the box containing the envelopes; he counts such envelopes and examines them one after the other, withdrawing therefrom the ballot papers which he exhibits and a statement whereof he causes to be made by the poll-clerk, and afterwards replaces them in the envelopes.

**231.** The deputy-presiding-officer, in reading and counting the votes shall reject: <sup>Rejected ballot-papers, &c.</sup>

1. All the ballot papers differing from those supplied by the secretary or presiding officer.

2. All those bearing any written words or any mark or indication which might give information as to those who give them, or which are not stamped with the corporation seal.

3. All those which he finds in an envelope containing a number of ballot-papers exceeding that which each elector could give.

4. Every envelope containing papers or ballots other than those which the elector could deposit at the poll.

**232.** After all the ballot papers have been counted, and the statement hereinafter mentioned of the number of votes <sup>Ballot papers counted and statement, &c., replaced in box.</sup> given for each candidate and of the number of ballots rejected, has been made and verified, as well as a statement of all the envelopes containing ballots not rejected, such envelopes with the ballots they contain are made up in separate parcels as well as the envelopes containing the ballots objected to.

Each parcel is designated, as the case may be, by the following words: "ballots counted," "ballots rejected" and "ballots objected to."

All these parcels, after having been endorsed, so as to indicate their contents, shall be put back into the ballot box.

Within one hour from the closing of the poll, the deputy-presiding-officer shall make a report to the presiding officer <sup>Report to presiding officer.</sup> stating the number of the votes given to each candidate and the number of ballot papers rejected.

**233.** The deputy-presiding-officer shall note any objection made by any candidate, his agent or any elector present, to any ballot paper found in the envelopes and shall decide any question arising out of the objection. <sup>Objections noted and decided.</sup>

Decision  
final.

His decision shall be final, and shall only be reversed on petition questioning the election or return.

Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper and on the envelope containing it and initialed by the deputy-presiding-officer.

Statement to  
be made by  
deputy-pre-  
siding-officer.

**234.** The deputy-presiding-officer shall make out a statement indicating the number of the :

1. Accepted ballot papers and the number of envelopes ;
2. Votes given to each candidate ;
3. Rejected ballot papers and their envelopes ;
4. Ballot papers objected to and their envelopes.

He shall make and keep a copy of such statement and enclose the original in the ballot box.

Documents to  
be placed in  
box.

**235.** He shall also place in the ballot box all lists of electors used by him, after having written at the foot thereof a statement certifying the total number of electors who voted on such lists.

The poll-book, his commission, that of the poll-clerk, their oaths of office, and all other lists or documents that may have been used or required at such election, shall also be placed by the deputy-presiding-officer in the ballot box.

Locking and  
returning  
box.

**236.** The ballot box shall then be locked and sealed, and shall be returned to the secretary-treasurer.

Certificate of  
number of  
votes, &c.

**237.** The deputy-presiding-officer, on being requested so to do, shall deliver *gratis* to each candidate or his agents, or in their absence to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Secrecy at  
counting.

**238.** Every election officer, candidate, agent or elector, in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

None of such persons shall attempt to ascertain, at such counting, the name of the voter whose vote is given in any particular ballot paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Penalty.

Whosoever shall act in contravention of any provision of this article shall be liable to a penalty not exceeding fifty dollars or an imprisonment not exceeding one month, in default of payment.

#### § 4.—Close of the election.

Opening of  
boxes and

**239.** On the day following the election, at the hour of ten in the forenoon, the presiding officer, in the office of

the corporation, at the town hall, opens the ballot boxes in the presence of the secretary-treasurer and of two witnesses as also in the presence of the candidates, or their respective agents, if they are present, and ascertains the number of votes given at the polls for each candidate, from the statements found in the several ballot boxes returned by the deputy-presiding-officers.

He then replaces the ballot papers and envelopes in each parcel as he found them.

**240.** After the final counting of the votes, the presiding officer shall declare and proclaim elected as mayor the candidate who has obtained the largest number of votes and as councillor the candidate who has received the greatest number of votes as candidate for such ward; in case there is more than one office to fill for the same ward, those of the candidates having respectively the majority over their opponents.

Such declaration shall be filed in the office of the council and form part of the archives.

**241.** After the final counting, the secretary-treasurer replaces in each ballot-box all the envelopes, ballot papers and papers contained in each box respectively, he closes and locks such boxes and keeps them in a safe place for at least forty days.

After that time he may destroy what is not required, if the election is not contested.

**242.** If the ballot boxes, or any of them, have been destroyed, lost, or are not forthcoming, the presiding officer shall forthwith ascertain the cause of the disappearance of such ballot boxes, and shall procure from the deputy presiding-officer whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies of such documents.

Each of such documents shall be verified on oath taken before the presiding officer.

**243.** If, in the case of the preceding article, the lists, statements, certificates, or copies thereof cannot be obtained, the presiding officer shall ascertain, by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot boxes are missing.

**244.** In case the presiding officer cannot ascertain to his satisfaction, who has been elected, the council, at its first session, appoints one of the candidates to the office, and the proceedings of the election for such office shall be void.

Report of  
presiding  
officer.

**245.** In the case of the two preceding articles, the presiding officer shall state in his return the circumstances attending the disappearance of the boxes, and the means adopted by him to establish the number of votes polled for each candidate.

Proclamation  
of candidate  
elected.

**246.** The candidate who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared elected.

Casting vote  
of presiding  
officer.

**247.** When, on the final addition of votes, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of the presiding officer immediately to give, in presence of the persons mentioned in article 249, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

No vote other-  
wise.

In no other case shall the presiding officer have the right to vote.

#### § 5.—Final Provision.

Council by  
by-law to  
make forms  
or schedules  
required for  
elections, &c.

**248.** The council may, by-law, make all forms or schedules, and modify the details of the proceedings in the manner of conducting elections and receiving ballot paper, provided that, in so doing, it does not adopt provisions inconsistent with the principle of elections by ballot.

### TITLE VI.

#### RECOUNT BY A JUDGE.

When and by  
whom recount  
may be  
applied for.

**249.** Within the ten days following the election, one of the candidates or five qualified electors may apply for a recount.

How to be  
applied for.

**250.** Such application is made to the judge of the Superior Court for the district of Iberville, by means of a petition accompanied by an affidavit made by a credible person to the effect that such person believes when the ballots were counted, that one of the deputy-presiding-officers or his poll clerk, did not properly count the ballots or improperly rejected some ballot papers or summed up the votes incorrectly.

Notice to be  
given of day  
fixed for  
recount, &c.

**251.** The judge, before whom the petition is brought, shall give notice to the candidates of the day and hour at which he will proceed to recount the votes, and he shall summon the presiding officer, election clerk and secretary-treasurer to appear before him, and order them to have

with them and produce the poll-books; electors' lists and the packages containing the envelopes and ballot papers, used at the election.

**252.** The judge shall proceed, summarily, to the re-count; in recounting the votes, he shall correct the original addition, if need be, and shall confirm or declare who is really elected, as the case may be, or in the case of an equality of votes refer the decision of the election to the vote of the presiding officer which is given in the manner prescribed by article 247.

Proceedings  
by judge.

**253.** The application for a recount, as aforesaid, shall exclude all other methods of contestation.

Application  
excludes  
other contest-  
ation.  
Decision  
final.

The decision of the judge on such application shall be final and without appeal.

## TITLE VII.

### CONTESTATION OF MUNICIPAL ELECTIONS.

#### SECTION I.

##### GROUND FOR CONTESTATION.

**254.** Any election of a member of the council may be contested by any candidate or by five qualified electors on the ground of incapacity or of insufficiency of votes or the non-observance of essential formalities, or on the ground of violence, bribery and fraud committed by a candidate or by his authorized agent, or even by private individuals, if, in such case, the violence, bribery and fraud have so prevailed that there is reason to believe that they have affected the result of the election.

Grounds for  
contesting  
election of  
member of  
council, and  
who may  
contest.

#### SECTION II.

##### PROCEDURE.

#### § 1.—General Provisions.

**255.** The Circuit Court of the district of Iberville shall take cognizance of such contestation, and the costs shall be taxed accordingly as in non-appealable cases, notwithstanding the provisions of the following article, the effect of which is only to accelerate the procedure.

Jurisdiction.  
Costs.

**256.** The contestation is tried and decided summarily. The usual procedure before the Superior Court in proceedings on prerogative writs shall be followed, in so far as the same may apply to the contestation and incidents connected therewith.

Proceedings  
summary.  
Procedure.

The evidence shall be taken orally.

If the court so orders, the whole or a portion of the evidence may be taken down in writing.

§ 2.—*Petition to set aside the election.*

Contestation  
how made.

**257.** Such contestation shall be made by a petition signed and sworn to by the petitioner or petitioners in which shall be set forth the facts and reasons alleged in support of the contestation.

The petitioners may also, in their petition, indicate the persons who have a right to the office in question, and state the facts necessary to establish such right, and pray that they be placed in possession of such office.

Service of  
copy and  
notice of pre-  
sentation.

**258.** A copy of the petition, with a notice stating the day on which it will be presented, shall be served upon and left with each member of the council whose election is contested, within fifteen days from the date of such election; otherwise the right of contesting shall be forfeited.

Delay within  
which to be  
presented.

**259.** No such petition shall be presented or received after the thirty days following the date on which the contested election was held.

§ 3.—*Security.*

Security for  
costs.

**260.** The petitioners shall give security for costs before the service of the petition; otherwise such petition shall not be received by the court.

How to be  
put in.

**261.** The security required by the foregoing article shall be put in before the clerk of the Circuit Court.

Qualification  
of sureties.

The sureties shall be owners of real estate to the total value of two hundred dollars, over and above any incumbrances there may be on such property.

One to suffice.  
Security by  
deposit.

One surety shall suffice.

The security may be given by means of a deposit of an equivalent amount of money or securities in the hands of the clerk in his office or sitting the court.

§ 4.—*Return of the petition and trial.*

Presentation  
of petition.

**262.** The petition shall be presented in open court, or, if the court is not sitting, to a judge in chambers, together with the returns of the preliminary services.

If the petition must be presented to a judge in chambers, and if the judge be absent, it may be filed in the office of the clerk of the Circuit Court.

Defects in  
form, &c.

**263.** If any defects or irregularities in the formalities prescribed for the election are alleged in the petition a

ground for setting the election aside, the court may admit or reject such grounds according as they may or may not essentially affect the election.

**264.** If the court or the judge, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, he shall order proof to be adduced and the parties interested to be heard, on the day he deems the most convenient.

Proceedings, if allegations sufficient.

§ 5.—*Judgment and incidental proceedings.*

**265.** The court or the judge by his judgment may confirm or annul the election, or declare that another person has been duly elected.

Power of judge.

**266.** The court or the judge may condemn either of the parties to pay the costs of the contestation.

Costs and their recovery.

Such costs shall be recoverable as well against the parties to the suit as against their sureties and all other persons who may be condemned to costs.

The judgment, in so far as regards costs, shall be executory against the sureties, fifteen days after a copy thereof has been served upon them.

**267.** If, in consequence of the contestations raised in connection with such petition, it should become necessary to verify the addition of the ballots, examine or otherwise dispose of the poll-books used in the election and other documents connected therewith, or to examine the officers who superintended the election or acted therein in any capacity, the court or judge shall have the same jurisdiction, power and authority as any court or judge in this Province in similar cases.

Power of judge to order production of poll books, &c.

**268.** If it be proved, during the contestation, that a person, other than the defendant, has contributed by any means to render such election null, the court may condemn such person to pay the whole or a portion of the costs, provided that, upon the order of the judge, he has been made a party to the case before the judgment was rendered.

Condemnation to costs of persons contributing to render election null.

**269.** The court may order that its judgment, if it annul the election, be served at the expense of the party against whom the judgment has been given, at the office of the council.

Service of judgment.

**270.** If the trial of the contestation is not concluded at the close of the term of the court at which the petition was presented, the sitting judge shall continue it without

Term to be continued, if case not finished.

Case, to be continued in chambers.

interruption during vacation, adjourning from day to day until he shall deliver his final judgment upon the merits of the contestation.

No other manner of contestation.

If the petition has been presented in chambers, the judge shall continue the case from day to day until his judgment has been rendered.

**271.** No election shall be contested in any other manner, nor according to any other procedure, than that prescribed by this act.

## TITLE VIII.

### BRIBERY AT ELECTIONS.

Persons guilty of bribery :

**272.** The following persons shall be deemed guilty of bribery and liable to the penalties hereinafter imposed for such offences :

Electors receiving money :

1. Every elector who, directly or indirectly, at any time, before, during or after any municipal election in the said town, demands or receives any money or reward, in the form of a gift or loan or any other pretext, or agrees or stipulates that he shall receive any money, gift, office, employment or other reward to vote or abstain from voting at such election ;

Candidates &c., giving rewards &c., to electors ;

2. Every candidate at such election, or any other person, who, directly or indirectly, by himself or by an agent, by means of a gift, reward, promise, agreement or guarantee, bribes or attempts to bribe an elector so that he shall vote or abstain from voting at such election ;

Electors agreeing for reward to favor election of candidate :

3. Every elector who shall, directly or indirectly, by means of any gift, loan, reward, promise or of any other pretext, favor or agree to favor or endeavor to assure the election of any candidate at any municipal election in the town ;

Receiving money ;

4. Whoever shall receive any money, gift, reward or promise, under the form of hiring of vehicles or for loss of time, so as to give his vote, or who shall accept an excessive price for any article of commerce, for his vote or with a view of his abstaining from voting at any municipal election in the town ;

Coercing employees :

5. Every employer, foreman or person in charge of any establishment or works of any kind who threatens to dismiss or do any injury to his employee or to any employee,

Hiring car-  
ters ;

6. Any candidate or other person who engages or hires a carter for the purpose of conveying electors to the polls,

Loaning  
waggons.

or, 7. Any person who, for any money or any gift, reward or promise, or other pretext, shall loan his waggon or other vehicle to any candidate or other person for the

purpose of conveying electors to the polls during an election.

**273.** Whoever shall infringe any of the provisions of the preceding article shall incur and pay for each offence a fine of forty dollars, which shall be recovered with costs of suit, and for his own benefit, by any person who shall sue for the same before the Circuit Court or the Superior Court, as the case may be, for the district of Iberville, or in default of payment imprisonment for two months.

Penalty for  
infringing  
article 272.

Every offender found guilty in the cases mentioned in the preceding article shall be deprived of the right of voting or of being a member of the council of the said city for three years, and his name shall be struck from the list of electors during that period.

Loss of muni-  
cipal fran-  
chise.

**274.** Every person who gives or causes to be given to an elector, because such elector has voted or is about to vote, any food, liquor or refreshments, or money to enable such elector to procure liquor or refreshments, is equally guilty of bribery and liable, for each offence, to a fine of ten dollars or, in default of payment to an imprisonment of one month.

Furnishing  
food, &c., to  
elector.

## TITLE IX.

### VACANCIES IN THE OFFICE OF MAYOR OR COUNCILLOR.

**275.** There is a vacancy in the office of mayor or councillor in each of the following cases :

Vacancies in  
office of  
mayor or  
councillor.

1. In case of death ;
2. In case of an election being set aside ;
3. In the case provided by article 114 ;
4. In the case of absence from the sessions of the council or of its committees for over two consecutive months ;
5. In the case of absence from the town for over two months, without the permission of the council ;
6. In the case of the election of a person who is not eligible ;
7. In the case of a written resignation and the acceptance of such resignation by the council ;
8. When a member of the council has refused to accept or to continue to occupy the office ;
9. When a member of the council no longer has his residence or place of business in the town ;
10. When a member of the council has become incapable, after his election, owing to one of the incapacities enacted by law and has complied with article 113 ;
11. When a member of the council has made an assignment of his property on account of insolvency, or has been

declared bankrupt, or has applied to obtain the benefit of any law respecting insolvency, if not otherwise qualified;

12. When a member of the council is unable to act for two consecutive months, on account of illness, infirmity, or other cause;

13. In the case of a councillor being appointed by the council to replace the mayor whose office has become vacant under article 277.

Member may resume office in certain event and upon certain conditions.

**276.** Any member who has refused to accept or to continue to fill the office to which he has been elected in the council, or who has been unable to perform the duties of such office for two consecutive months on account of absence, illness, infirmity or other cause, may always, if the vacancy caused by his refusal or inability to act, has not been filled, resume and exercise his office, provided he is still able to do so, without prejudice however to the costs of the proceedings against him.

Filling vacancy in office of mayor or councillor.

**277.** When a vacancy occurs in the office of mayor or councillor, the council shall, at its first regular session or a special session, fill the vacancy, by resolution, either from amongst its members, and in default of members being duly qualified by a duly qualified elector, if the office of mayor be vacant, and for the office of councillor by selecting one from the persons in the town who may be qualified therefor.

Term of office of replacing mayor or councillor.

In any case, the mayor or a councillor elected to replace another shall remain in office only for the time for which his predecessor was elected.

Vacancies within 30 days of general elections.

**278.** However, when any of the aforesaid offices becomes vacant, within thirty days preceding the date of the general elections, it remains vacant until the general elections when it is filled by means of an election by the electors.

## TITLE X.

### POWERS OF THE COUNCIL.

#### SECTION I.

##### GENERAL PROVISIONS.

Jurisdiction of council.

**279.** The council exercises its jurisdiction within the limits of the town, and it extends to the centre of the River Richelieu opposite the town and outside of the town in the cases provided for by this act, in so far as regards the health, good order and peace of the town.

**280.** The by-laws, resolutions and other municipal ordinances must be passed by the council in session. By-laws &c., how to be passed.

**281.** The council, in the exercise of its powers, must comply with the formalities required by the provisions of this act and the by-laws in force in the town. Formalities to be complied with.

## SECTION II.

### BY-LAWS OF THE COUNCIL.

#### § 1.—*General Provisions.*

**282.** The original of every by-law, to be authentic, shall be signed by the mayor or person presiding the council, at the time of the passing of such by-law, and by the secretary-treasurer. By-law to be signed to be authentic.

**283.** The originals of the by-laws submitted for the approval of the municipal electors, when such approval has been given, shall be accompanied by a certificate under the signatures of the mayor, or of the person who presided at the meeting, and of the secretary-treasurer, establishing the fact of such approval, and such certificate shall form part thereof. Certificate to accompany certain by-laws.

The original of every by-law is written out at length in a special book intituled : "Book of by-laws of the council of the town of St. Johns" ; such written by-law is signed by the mayor and countersigned by the secretary-treasurer. Entry of by-laws in register.

**284.** The secretary-treasurer may, however, instead of writing out the by-laws, cut them out of the newspapers in which they have been published and paste them on the leaves of the book of by-laws following those already entered therein ; but, in such case, the by-laws must be signed and countersigned according to the requirements of the preceding article. May be pasted in book.

**285.** The by-laws are submitted in French or in English, and are translated only after they are adopted by the council and with a view to their publication. Language of by-laws and translation thereof.

The mayor or secretary-treasurer must, however, translate such by-laws orally, if any member of the council so requires.

**286.** It is not necessary that the by-laws be registered at length in the minute-book of the council ; it is sufficient to designate them summarily in the motion made to adopt them. Entry in minutes of council respecting by-laws.

**287.** The certificate of the secretary-treasurer, stating that the necessary procedure and formalities have been Effect of secretary-treasurer's certificate.

observed by the council or its officers at the time of the passing of the by-law, shall be *prima facie* evidence of their regularity.

Several objects may be regulated by one by-law. One submission to electors suffices.

**288.** One and the same by-law may regulate several of the objects mentioned in the provisions of this act.

In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

By-laws passed by majority. Exception.

**289.** The by-laws are adopted by the majority of the members of the council, except those which, in virtue of special provisions, have to be approved by a two-thirds majority.

Power of council respecting works ordered to be done by certain proprietors.

**290.** Whenever the council shall have passed any by-law or by-laws directing work to be done within the said town, and any proprietor shall be unable from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said council to cause the work, which such proprietor may be bound under such by-laws to perform, to be done, and the sum so expended by the council shall remain upon the property as a special and privileged hypothec, without its being necessary to register the same, in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said council, with interest at the rate of six per cent.

Fines may be imposed by by-law and imprisonment in default of payment.

**291.** In order to assure the execution of its by-laws, the council may impose for each infringement, a fine not exceeding one hundred dollars, besides the costs, and in default of payment of the fine and costs, an imprisonment not exceeding three months.

Fine &c., may be fixed by council.

**292.** The council itself may, in the by-laws, determine in an absolute and discretionary manner, the amount of the fine and the period of imprisonment.

If discretionary, minimum of fine and imprisonment.

However, when the fine and imprisonment are discretionary, such fine must be at least one dollar and such imprisonment for at least one day.

Continuous infractions.

**293.** If the infringement of a by-law continues, it constitutes, day by day, a separate offence, and the penalty decreed for such infringement may be inflicted for each day such infringement lasts.

Coming into effect of by-laws.

**294.** The by-laws of the council come into effect, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after publication, except when otherwise provided for by the provisions of this act.

**295.** In certain cases of urgency; the council may order that certain by-laws shall come into force immediately after their publication or within a delay of at least twelve days; but such by-laws must contain a proviso to that effect.

In cases of urgency.

**296.** The by-laws are published after they are passed, or after final approval when submitted for the approval of the municipal electors, by a single insertion in two newspapers published in the town, one in the English and the other in the French language.

Publication of by-laws.

If there should be in the town only newspapers published in one language, the insertion of the by-laws in one of such newspapers is sufficient.

If there be no newspaper published in the town, the by-laws are published by a public notice posted up in the usual manner and mentioning the object thereof, the date at which they were passed and the place where they may be consulted.

**297.** If the council so orders, the publication of the by-laws for the imposing of taxes under articles 494 and following may be effected merely by a public notice published and posted up.

Publication of certain by-laws.

**298.** If the by-law has been approved by the municipal electors, the observance of such formality, and the date upon which it was complied with must be mentioned at the foot of the by-law.

Mention, if by-law approved by electors.

**299.** By-laws are executory and remain in force until they are amended, repealed or annulled by competent authority, or until the expiration of the period for which they have been made.

How long by-laws remain in force.

**300.** By-laws passed by the council shall, when published, be deemed public laws within the town, and the judges or courts are bound to take cognizance thereof judicially.

By-laws to be public laws in town.

**301.** By-laws, which before coming into force and effect, must be submitted for the approval of the municipal electors, cannot be amended or repealed except by another by-law approved in the same manner.

Amendment of by-laws approved by electors.

**302.** The repeal or amendment of any by-law can only be made by means of another by-law; and before proposing such by-law, it is necessary that a notice of motion should have been given at a previous session.

Repeal &c., of by-laws. Notice of motion to that effect.

§ 2.—*Approval of electors who are real estate owners required for certain by-laws.*

Proceedings  
of meeting  
held for ap-  
proval of by-  
laws.

**303.** When a by-law of the council has to be submitted to the electors who are real estate owners, the proceedings at the meeting held for the purpose and at the voting, if the same be necessary, are those hereinafter prescribed.

Notice con-  
vening meet-  
ing.

**304.** The general meeting of such electors who are real estate owners, is convened at least fifteen days beforehand by a public notice, published and posted up, signed by the mayor for a day specified by the council and held in the public municipal hall at the hour of ten in the forenoon.

Who presides

**305.** The said meeting is presided by the mayor or pro-mayor.

If both are absent or unable to act, the secretary-treasurer appoints one of the councillors to preside.

Secretary and  
his duties.

The secretary-treasurer acts as secretary, reads the by-law and submits it to the meeting.

Approval if  
certain time  
expire with-  
out poll being  
required.

**306.** If more than one half hour elapses after the reading of the proceedings without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested.

Who may  
require poll.

**307.** Six electors, who are real estate owners and qualified to form part of such meeting, may require that a poll be held to ascertain whether the by-law is approved or not.

Granting of  
poll and  
when to be  
held.

Upon such requisition, the mayor or other person presiding shall, at once, grant such poll, which shall be opened and held on the fourth day thereafter from nine of the clock in the morning until the hour of four in the afternoon, and on the following day from ten in the morning until four in the afternoon.

Mayor etc.  
need not re-  
main all the  
time during  
voting.

**308.** The mayor or other person presiding may absent himself during the voting, provided he be represented by a member of the council.

Voting.

**309.** Each elector shall present himself in his turn and give his vote "Yea" or "Nay;" the word "Yea" meaning that he approves of the by-law, and the word "Nay" that he disapproves of it.

Entry of  
voters and  
votes given.

The name of the elector and the vote given by him, shall be entered in a special book kept by the secretary-treasurer for the purpose.

Taxes need  
not be paid to  
entitle to  
vote.

**310.** It is not necessary, in order to be entitled to vote, that the electors who are real estate owners should have paid their municipal dues.

**311.** At the close of the poll, the mayor shall count the "Yeas" and "Nays;" and, at the first session after the polling, he shall submit to the council the result of the voting, together with a statement of the value of the taxable real state of each voter, according to the valuation roll in force.

Summing up  
of votes.

It shall be certified over the signatures of the mayor and secretary-treasurer, for the information of the council, whether the required majority of the electors in number and in value of the taxable real estate approve or disapprove of such by-law.

Certificate to  
be submitted  
to council.

If the council wishes to examine the poll books and the valuation roll, they shall be at once submitted.

Examination  
of poll books  
&c., by coun-  
cil.

**312.** The poll books, as well as the statement and certificate produced, shall be deposited in the archives of the council.

Poll books &c.,  
to remain in  
archives.

**313.** All by-laws so submitted for the approval of the electors who are real estate owners, are only definitively sanctioned by a resolution of the council.

Definite sanc-  
tion of such  
by-laws.

#### SECTION III.

##### POWER TO PASS CERTAIN BY-LAWS.

**314.** The council may pass, amend, modify, repeal, replace and put in force all by-laws or ordinances necessary or useful for the internal government of the town, and with respect to the objects hereinafter enumerated.

Power to  
make by-law  
for internal  
government  
&c., of town.

##### I.—GOVERNMENT OF THE COUNCIL AND OF ITS OFFICERS.

**315.** The council may, by by-law :

Regulate the manner of conducting its debates, and the maintenance of order during the sessions of the council or of its committees ;

Council may  
by by-law :  
Regulate  
debates,

Determine the date of the ordinary sessions of the council and the number of days they shall last ;

Fix sessions ;

Define the duties of the officers of the council which are not determined by this act.

Define duties  
of officers ;

##### II. —PUBLIC SAFETY.

**316.** Protect the lives and property of the inhabitants of the town, and for the better prevention of danger from fire, to regulate the construction, the dimensions of chimneys and their height above the roofs, or even in certain cases above the surrounding houses and buildings ; and compel the proprietors or occupants to cover them with a screen ; and declare by whom the cost of the raising of

Protect lives  
of inhabitants  
&c. ;

such chimneys shall be paid, and within what delay such chimneys shall be raised or repaired;

Regulate &c.,  
construction  
of houses ;

**317.** Regulate and provide for the inspection and construction of houses and buildings in the town, both of those already built and of those being built, and appoint a building inspector and define and determine his duties ;

Prevent  
bakers &c.,  
having ovens  
unless con-  
nected with  
chimneys ;

**318.** Prevent any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes, or other manufacturer or person, from building or having any oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, rising at least three feet higher than the top of the building in which, or in connection with which, such oven or furnace is placed ;

Compel pro-  
prietors to  
provide fire-  
buckets &c. ;

**319.** Compel the proprietors or occupants of houses or other buildings to provide a fixed number of fire-buckets, and to have ladders from the ground to the eaves, and from the eaves to the ridge of the roof ;

Prevent per-  
sons entering  
out-house,  
with uncover-  
ed light, &c. ;

**320.** Prevent any person from entering any shed, stable, pig-sty, barn or out-house, with a light not enclosed in a lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution, so as to prevent fires ;

Prevent fires  
from being  
lighted in out-  
houses,

**321.** Prevent any person, from lighting or keeping a fire in any out-house, pig-sty, barn, shed or other building, otherwise than in a chimney or a metal stove ;

From being  
carried in  
streets ;

Prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel ;

Compel  
owners to  
keep doors of  
hay-lofts &c.,  
shut ;

Compel the owners or occupants of barns, hay-lofts, or other buildings, containing combustible or inflammable substances, to keep the doors thereof shut ;

Compel  
sweeping of  
chimneys ;

**322.** Compel the owners or occupants of houses to have or permit their chimneys to be swept ; to regulate the manner and period in which such chimneys shall be swept ; to name the sweeps to be employed, and to fix the amount payable to the sweeps or to the council and the price for the license to be granted to the sweeps ; impose a fine on all persons whose chimneys have caught fire after they have refused to allow them to be swept ;

Fine if chim-  
neys take fire  
after refusal to  
have swept.

Whenever a chimney, which shall have so taken fire as aforesaid, shall be common to several houses or to several households in the same house, the aforesaid fine may be recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion ;

**323.** Determine the precautions to be adopted in the sale of gunpowder or other explosive substance ; Regulate sale of gunpowder, etc ;

**324.** Regulate the manner in which quick lime or ashes shall be kept or deposited ; Regulate the keeping of quick lime ;

**325.** Construct fire-proof buildings for the reception and storage of oils and other inflammable fluids, liquids or substances ; establish a tax upon persons who store such articles ; Build stores, &c., for storage of oils, &c.

**326.** Prevent all persons from setting off fire-works or crackers, or from discharging fire-arms, or lighting fire in the open air, on the high road or in the neighbourhood of any building, grove or inclosure, or to permit the same under certain conditions ; Prevent setting off fire-works ;

**327.** The council may by simple resolution cause to be demolished and removed all walls, chimneys or buildings, in ruins or likely to fall ; and determine in what time, by what means and at whose expense such demolition or removal shall be effected ; Cause demolition of ruinous walls, &c ;

Whenever the person obliged to demolish or remove such walls, chimneys or buildings, which the council orders to be demolished, neglects to comply with such order in the delay mentioned in the resolution of the council, the latter may have the same demolished or removed and recover the cost thereof before a competent court. Provide if not demolished after orders.

**328.** The council may, by by-law :

Prevent the erection of wooden buildings or fences in the municipality, or in any specified part thereof, and determine in certain cases the nature of the materials to be used for making roofs ; By by-law council may : Prevent erection of wooden buildings, &c. ;

**329.** Compel all proprietors or occupants of houses or other buildings erected on the public street, to remove the snow and ice from the roofs of such buildings or edifices ; Compel removal of snow and ice ;

**330.** Compel every person, desirous of keeping a wood-yard in the town, to previously obtain a license or permit from the council, and also determine under what conditions such license shall be granted ; provided that it shall be lawful for the said council, when it deems it advisable, for the prevention of fire or for any other reason, to refuse such permit or to grant it only for certain places in the town ; and the council shall also have the right to determine, by such by-laws, how such wood-yards shall be kept and fenced in and to what height wood may be piled, both by owners of wood-yards and by any other person in the town ; Require license to keep wood-yard, &c ;

Regulate, &c.,  
erection of  
unwholesome  
factories, &c ;

**331.** Regulate or to prohibit the erection, use or working, in the town, of unhealthy, unwholesome, dangerous, obnoxious factories or establishments ; and amongst others, soap and candle factories, and factories of a like nature, wherein the rendering of tallow is carried on, or of lime-kilns, of bone-boiling or bone-burning establishments or of any oil or oil-cake factory, india rubber or oil-cloth factory, dyeing establishment, butchery, slaughter-house, tannery, brewery, distillery, gas-works, blue, glue or varnish factory, petroleum or coal-oil refinery or warehouse, roofing composition factory, fire-works' factory, friction-matches' factory, chemical works, alcohol rectifying establishment, and all other factories and workshops of any kind whatsoever, the working of which may endanger the public health or safety ; and to prevent the working of similar establishments at present existing in the town ; provided that such establishments at present existing in the town are not conducted in accordance with the provisions of any by-law of the town ;

Impose fine  
for breach of  
by-law under  
previous  
article ;

**332.** Impose a fine of one hundred dollars for the violation of any by-law made under the authority of the preceding article, and, in default of payment of the fine and costs by the offender, an imprisonment not exceeding two months, and a further fine of fifty dollars per day for each and every day the offender shall continue in the violation of such by-law ; but, before any prosecution shall be instituted against any person who, at the time of the passing of such by-law carries on an establishment prohibited by such by-law, the council shall give to such person a notice of six months, to be signed by the secretary-treasurer ; and such notice shall be valid, as well against the person accused of violating such by-law, as against any person who may afterwards acquire the business or manufactory complained of, or the property whereon the same is carried on ;

Protect citizens,  
&c.,  
at railway stations ;

**333.** Take all possible means to protect the citizens in the streets and public places, at railway stations and passenger steamboat wharves ;

Prevent  
thefts, &c.,  
at fires, &c.

**334.** Prevent thefts and depredations at fires, and punish any person who resists, opposes or illtreats any member or officer of the council, while in the execution of the duty assigned to him by the council ;

Regulate conduct of persons  
at fires ;

**335.** Regulate the conduct of all persons present at any fire in the town ; oblige idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and oblige all the inhabitants of the town to keep ladders, at all times upon their houses, in order the more easily to check the progress of fire ;

**336.** Authorize certain persons to cause to be blown up pulled down, removed or demolished such buildings as may appear necessary, in order to avert the progress of any fire, saving all damages and indemnity payable by the corporation to the proprietors of such buildings, to an amount agreed between the parties, or on contestation, to an amount settled by arbitrators ;

Authorize buildings to be blown up at fires ;

In the absence of by-laws under this article, the mayor may, during the course of a fire, exercise such power by giving a special authorization ;

Mayor may give orders if no by-law ;

**337.** Authorize the formation and organization of companies of firemen or sappers, and determine the duties of the members of such companies, and impose penalties upon such of their members as fail in their duties ;

Authorize formation of companies of firemen, &c ;

Provide for the purchase of fire-engines or apparatus destined for the same purpose ; and, generally, adopt all measures best calculated to prevent accidents through fire and to avert its progress ;

Provide for purchase of fire-engines, &c ;

**338.** Hold, authorize or cause to be held, after each fire in the town, an enquiry into the cause and origin of such fire ;

Hold inquiries into fires ;

For this purpose, the council, or a committee composed of at least two of its members by it authorized, may summon witnesses, and compel them to appear and give evidence, and examine them under oath to be administered by any one of the members.

Power to summon witnesses for the purpose ;

**339.** Authorize such officers, as the council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, either the inside or the outside of all houses and buildings of any description, within the city, for the purpose of ascertaining whether the by-laws passed by the council, under the authority of the preceding articles are regularly observed ; and oblige all proprietors or occupants of houses in the town, to admit all officers for the purposes aforesaid ;

Authorize visiting of buildings to see if by-laws carried out ;

### III.—PUBLIC HIGHWAYS.

**340.** Repair, level, sweep, water and keep clean and in good order any street or a determined portion of a street or public square ;

Repair, &c., streets, &c. ;

**341.** Compel railway companies to keep in order the streets, portions of streets and public squares through which their trains run ;

Compel railway companies to keep streets, &c., in order. Provide ;

If such companies neglect or refuse to do such work, the council may have the same done and recover the amount thereof from the companies in default ;

Oblige proprietors to fence lands ;

**342.** Oblige the proprietors of lands in the city, or their representatives, to fence such lands, and fix the level, and height of the fences, as also the nature and kind of the materials used in them ;

Regulate fences ;

Regulate the manner of constructing fences between neighbors ;

Prevent rebuilding of houses within line of street ;

**343.** Prevent any proprietor from rebuilding a house which has been demolished, upon the site which it occupied beyond the line of a street or public place ; provided that, during the course of one year, the council adopts proceedings in expropriation to acquire the part of the land which encroaches on the public street ;

Power to purchase encroaching land ;

The council may purchase the portion of the ground which encroaches on a street, or compel the proprietor to give up the same on receipt of a sufficient compensation.

Council may ;  
Compel removal of encroachments ;

**344.** The council may :

Compel the proprietors or occupants of houses to remove from streets or public squares all encroachments or projections of any kind, such as steps, galleries, porches, posts, gates opening upon the public way, signs, boxes, wood, or other obstacles, and prevent encumbering by vehicles ;

Prohibit removal of houses, &c. through streets ;

**345.** Prohibit the transport or removal through the town of any house or building without a special permit from the council, and on payment of such compensation as the council may exact ;

Responsibility of persons removing, in damages, &c ;

Every person, so transporting or removing a house or building, shall be responsible for the damages which may be caused to the town by injuring the trees or streets or underground pipes ;

Damages how determined.

Such damages may be determined by the council, and the house or building causing the same may be seized and sold to pay for such damages, which will be a privileged claim after the costs of sale ;

Regulate posting of bills ;

**346.** Regulate and license the posting of bills and placards ;

Prevent posting, &c., of indecent placards, &c ;

**347.** Prevent the posting up, or the making or writing of indecent or offensive placards, paintings, drawings, words or inscriptions upon houses, walls or fences, or other public or private property, or on any street or public place in the said town, or in any store or any place visible from such street or public place ;

Regulate awnings ;

**348.** Regulate the manner in which awnings shall be placed, and compel the owners thereof to remove them ;

Regulate signs, &c., and prevent

**349.** Regulate awnings, signs, sign-boards, show-bills or show-boards, and prevent the pulling down or defacing

of the same, or the pulling down or defacing of printed or written notices lawfully posted up, or the defacing of private or other property by printed or other notices posted thereon ;

defacing of  
placards, &c ;

**350.** Authorize the council to cause to be removed or taken away all awnings, signs, or any object serving as such, which project upon the public highway or are suspended or placed so as to be dangerous for foot passengers ;

Authorize removal of  
awnings, &c ;

Prohibit the distribution of printed hand-bills or circulars at church doors on Sunday ;

Prohibit distribution of  
hand-bills on  
Sunday ;

**351.** Lay out, open and maintain roads on the ice, on the Richelieu River opposite the town as far as the east bank, and regulate the traffic on the roads opposite the town, and those which start from or end at its limits, throughout the whole length of such roads ;

Lay out roads,  
&c., on ice on  
Richelieu  
river ;

**352.** Regulate the laying of telephone or telegraph wires in the town, the quality of posts and order them to be painted ; order, if necessary, that the wires be laid underground in certain places so as not to obstruct the streets ;

Regulate laying  
telephone  
and telegraph  
wires, &c ;

**353.** Regulate and alter, by simple resolution, the height or level of the streets, subject to compensation, to be determined by arbitrators, to those who may suffer damage thereby ;

Regulate, &c.,  
level of  
streets, &c ;

**354.** Regulate the planting, cultivation and preservation of ornamental trees in the streets, squares and parks of the town ;

Regulate  
planting of  
ornamental  
trees ;

Punish those who tear up or injure the trees ;

Punish those  
who injure  
the same ;

**355.** Order the opening of new streets or portions of streets, public squares and enlargement, continuation, straightening or other alteration of streets or fixed portions of streets for public squares in the town, according to such plans and upon such conditions as it may deem expedient ;

Order opening of new  
streets, &c ;

**356.** Cause to be prepared a plan of the future location of any street, part of a street or public road, which it may be necessary to alter, extend or continue beyond its actual terminal point, upon lands or farms not yet laid out in town-lots, by giving notice thereof, mentioning that such plan is deposited in the office of the corporation for the information of all interested parties ;

Cause plans  
&c., of streets  
to be prepared, &c.,  
have same  
deposited in  
office of corporation ;

Such notice and deposit of the plan shall relieve the council from the payment of any compensation on account of any buildings which shall be put up, after the date of

Effect of  
notice and deposit of plan ;

the notice, upon the lot indicated on the plan as required to be used for locating, extending, opening or improving any public highway ;

Payment for  
land taken for  
streets ;

The corporation shall, in all cases, be bound, upon being so required by the proprietors, to pay to such proprietors the value of the land upon which one or more streets have been so located ;

Order widen-  
ing of streets,  
&c ;

**357.** Order that any street or fixed portion of a street or public square within the city be thereafter gradually widened to a specific width, to be mentioned in the said by-laws, and fix and determine the new line thereof; order that the land required for such increased width be acquired or expropriated, from time to time, as the buildings or structures thereon are removed or destroyed, or when and as the said council may, by such by-laws, fix and determine ; and order that such improvement shall be made out of the funds of the town, or that the cost thereof shall be assessed in whole or in part upon the lands or parcels of land belonging to the parties interested in or benefited by such improvement ;

Close, &c.,  
streets, &c ;

**358.** Close any street or fixed part of street or public square, and sell the land for the benefit of the municipal treasury, saving an indemnity if need be ;

Private streets  
not to be  
closed with-  
out consent of  
council.

**359.** No proprietor, who has opened or who with the approval of the council opens a street, part of a street, lane, public road or passage through his property, shall close the same without the consent of the council ; and such street, part of a street, lane, public road or passage shall, at the expiration of ten years become the property of the town, without indemnity therefor from the council.

To become  
public after  
certain time.

#### IV.—SIDE-WALKS.

Council may  
make durable  
sidewalks  
upon certain  
petition ;

**360.** Upon a petition of the property owners of the town, the council may have side-walks made of asphalt or other substance, and apportion the cost of such work whether wholly or in part upon those who have required the same.

Upon certain  
petition may  
pave street  
&c., in as-  
phalt, &c ;

**361.** It may also, upon a petition of the majority of two thirds of the property owners in a street or part of a street pave such street or part of a street in asphalt or other substance, and charge the expense occasioned by such works or only a portion of such expense on the said proprietors.

May require  
removal of  
ce., &c.

**362.** The council may, by by-law, compel every proprietor or occupant of lands to remove entirely or partially

the ice, snow or water from the sidewalks, in front of their property within a specified delay and in the manner indicated by the council.

In case of refusal or neglect, the town surveyor may, <sup>Proviso, if not removed.</sup> after having given, through an employee of the council, a three hours' notice, either verbal or written, to the person in default, may have such work done at the expense of the person in default, which costs are payable without delay on the mere production of an account in detail.

In default of payment, the secretary-treasurer causes a <sup>Distress for amount expended.</sup> warrant of distress to issue, which is executed in the ordinary manner.

#### V.—PUBLIC MARKETS.

**363.** The council may by by-law :

Establish, erect, change, enlarge, abolish or maintain the public markets that now exist, or those which shall be established in future, and the site thereof ; <sup>Council may by by-law ; Establish, &c., markets ;</sup>

**364.** Regulate the leasing of stalls and other places in and around the markets ; lease and concede the use of private stalls on such conditions and at such prices as may be determined in the by-law ; <sup>Regulate leasing of stalls ;</sup>

**365.** Regulate or prohibit the sale or exposing for sale of any kind of articles or produce or certain articles in particular ; <sup>Regulate sale of produce ;</sup>

**366.** Establish and maintain public scales and collect the revenue thereof ; <sup>Establish public scales ;</sup>

**367.** Impose dues upon waggons, carts, sleighs, boats, canoes and vehicles of every description, in which articles shall be delivered, sold or exposed for sale upon any public market or in any street, or on the wharves, or in wood-yards or upon any beach within the town, and also regulate the manner in which such articles or vehicles shall be placed for such purposes on the markets ; <sup>Impose dues upon waggons, &c., with goods for markets ;</sup>

**368.** Impose dues upon all vehicles in which articles shall be exposed for sale, or which may take up places in the said markets, and establish the manner in which the said dues shall be levied ; <sup>Impose dues upon vehicles on markets ;</sup>

**369.** Prevent all persons bringing produce of any kind, wood or materials, into the said city, from selling or exposing them elsewhere than on the markets ; and compel all such vendors to pay the dues, tolls, duties and licenses imposed for selling them elsewhere ; <sup>Prevent sales of produce outside markets, &c ;</sup>

Restrict com-  
merce of  
hucksters ;

**370.** Restrict and regulate the commerce of hucksters and persons buying articles brought into the town for the purpose of reselling them, and for imposing dues and taxes upon them in the prosecution of their traffic by license or otherwise ;

Determine  
sale of articles  
by weight or  
otherwise ;

**371.** Determine in what manner produce and all other articles shall be sold and delivered, whether by quantity, measure or weight ; and compel all persons to observe in such matters the by-laws which the council shall hereafter deem useful to establish ;

Impose dues  
upon street  
sellers ;

**372.** Impose rates, dues or charges and licenses upon all persons selling in the streets or roads, on the markets of the corporation or around the same or on the wharves or beach ;

Regulate  
generally  
markets, &c ;

Generally, regulate what relates to the government of the public markets and the sale of all merchandize, farm produce and other articles of traffic in the town and outside of the same on the River Richelieu, within the limits above defined ;

Regulate  
weighing,  
&c., of lum-  
ber, &c.

**373.** Regulate the weighing and measuring of all lumber for building purposes, sawn lumber, firewood, coal, salt, grain, lime and hay brought or sold in the town by strangers or by persons residing therein ;

Determine  
duties, &c.,  
of weigh-  
house clerks,  
&c ;

**374.** Determine and define the duties and powers of all persons employed in superintending public weigh-houses or markets throughout the town and confer upon such officers the power of confiscating merchandize, articles and produce in case of fraud as to measure, weight or quality and determine the manner in which such confiscated articles shall be disposed of.

Power of  
market clerks  
to enter yards  
&c.

**375.** The market clerks of the city shall have full power and authority to enter into yards and lanes for the purpose of recovering and collecting the market fees due for cattle, grain, produce, provisions or other articles brought into the city to be sold or delivered.

#### VI.—SALE OF BREAD.

Council may  
by by-law :  
Regulate  
bakers, &c ;

**376.** The council may make by-laws concerning the bakers in the said town, and the persons in their service ;

Regulate sale,  
&c., of bread ;

**377.** It may regulate the sale, quality and the weight of bread sold or offered for sale in the said town, and provide for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation, of all such bread offered for sale in contravention of the said

regulations, or bread that may be unwholesome or too light; and to this end it may authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest, health and safety for the attainment of such object or for causing such by-law to be enforced;

**378.** Compel bakers to mark the bread made by them, with the initials of their respective names; Compel marking of bread;

#### VII.—INSPECTION OF MEAT, &C.

**379.** Appoint a competent person to inspect the meat and milk sold or offered for sale in the town, and confer upon him the power of confiscating all meat and milk of bad quality, unwholesome or injurious to the public health; and impose a penalty a fine or imprisonment in default of payment of the fine, upon any person selling or offering for sale in the town any meat or milk of bad quality, unwholesome and injurious to health; Appoint meat and milk inspector, &c.

#### VIII.—PUBLIC HEALTH.

**380.** The council may, by by-law, prescribe the taking of proper measures for securing the inhabitants of the town from contagious or pestilential diseases or for diminishing the danger or effects resulting therefrom. Council may by by-law: Take measures to secure inhabitants from contagious diseases.

**381.** Establish one or more boards of health and appoint health officers, and confer upon such boards all the necessary privileges and authority for the performance of the duties imposed on them or for acquiring every useful information on the progress and general effects of all contagious diseases or for making such regulations as such boards of health may deem necessary for preserving the citizens from any contagious diseases or for diminishing the effects or danger thereof. Establish boards of health.

**382.** Authorize the visiting and examining by such health officers of any house or lot or of any premises whatsoever for the purpose of enforcing the observance of all by-laws, rules and regulations concerning public health and cleanliness in the town, and punish all persons obstructing, resisting, hindering or opposing or aiding or abetting in obstructing, resisting, hindering or opposing any such health officers in the performance of their duty. Authorize visiting of houses, &c., to see that health regulations, &c., are observed.

**383.** The health officers may be authorized under the preceding article to inspect and examine every house, lot, Health officers may be authorized

to inspect  
houses, &c.

or premises whatsoever, situate within a radius of one mile from the limits of the town in order to secure the observation of the by-laws and provisions respecting public health.

Council may  
recover part of  
salary of in-  
spectors of  
cattle at  
abattoirs from  
company.

**384.** The council may recover from any abattoir company situated in, or in the vicinity of the town, as or on account of the salary of the health officers appointed by the council to inspect the cattle and other animals killed at any such abattoir, a sum not exceeding two hundred dollars per annum for each abattoir worked by any such company.

#### IX.—DITCHES AND WATER-COURSES.

Council may  
by-law :  
Cause drains  
&c., to be  
opened,

**385.** The council may, by by-law :

Cause to be opened, dug, enlarged, covered and maintained and have the line altered of, any ditch necessary for drainage, or any boundary or division ditch or any water-course situate in the town or beyond the limits thereof, as the council may judge advisable ;

Determine  
when and by  
whom works  
to be made ;

Determine the time and manner of making such works, as also the persons of the town, by whom or at whose expense the same shall be made ;

Levy sums  
required for  
works ;

**386.** Levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors of the lands situate within the town and outside of its limits and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or water-course on such lands, and regulate the manner of levying the taxes so imposed ;

Impose penal-  
ties upon  
persons ob-  
structing  
ditches, &c. :

**387.** Impose penalties on any person obstructing deranging, or suffering the obstruction or derangement of ditches or water-courses, or refusing to make or suffer the the works to be made by the surveyor under the by-laws upon all public or private lands ;

Carry on  
works on  
ditches at  
corporation  
expense ;

**388.** Carry on at the expense of the corporation, for a determined or undetermined period, all works on ditches or water-courses ;

Raise money  
to make &c.,  
common  
sewers ;

**389.** Raise, by special assessment, sufficient money to make or repair one or more common sewers in any street, or portion of a street or section of a street, public square or special section determined by the council, from all the owners of lands situate along the line of such sewers ; determine the mode of making such sewers and the manner of collecting the cost thereof, with, in addition, ten

per cent for costs of collection, superintendence and other purposes ; determine the period at which private drains shall be made, determine the materials with which they shall be made, the manner in which they shall be made and in which they shall be joined or connected with the town sewer ;

**390.** Order, by by-law, the recovery of the cost of works on water-courses ; cause all proprietors of lands liable to the payment of the cost to be apportioned, to be designed and assessed ; order works to be done for the purpose of utilizing old water-courses as common sewers, and determine the sums to be apportioned among the interested proprietors who make use of such works for draining their lands or as common sewers ;

X. — CARTERS.

**391.** Oblige carters, proprietors or drivers of public vehicles from livery stables or for the conveyance of loads in the town to procure from the corporation annual licenses, represented by numbers supplied by the corporation, the price of such licenses not to exceed the sum of five dollars for each such ticket or number, also to oblige them to affix such numbers on each vehicle or harness ;

Make a tariff of the fares payable to carters for their services and prevent the latter from exacting higher fares than those fixed by the tariff ;

**392.** Compel all carters under license, to give their services to any person asking the same at the tariff rates.

XI. — DECENCY AND GOOD MORALS.

**393.** Regulate, restrict and suppress every kind of gambling and existence of gambling houses or houses of ill fame of any kind in the town ;

**394.** Regulate, prohibit or restrict all games with cards or dice or other games of hazard, with or without bets, in any hotel, restaurant, inn or shop, whether licensed or not, in the town ;

**395.** Arrest on the spot and punish persons who are found therein while playing at cards or dice or other games of hazard ;

**396.** Suppress and punish vagrants, beggars, prostitutes and disorderly persons ;

Suppress  
houses of ill-  
fame &c. ;

**397.** Suppress and close all houses of prostitution or of ill-fame, and arrest and punish the inmates and frequenters thereof ;

Prohibit &c.,  
circuses &c. ;

**398.** Prohibit circuses, theatres, or other public exhibitions from being held ; regulate and permit them to be held upon such conditions as may be deemed fit, and prohibit all spectacles or exhibitions tending to affect public safety or morals, of which the council, or, in its default, the mayor of the town, shall be judge ;

Prevent bath-  
ing in river  
and canal ;

**399.** Prevent bathing in the Richelieu River and Chambly Canal within the limits of the town, or to regulate such bathing ;

#### XII.—PUBLIC NUISANCES.

Compel the  
cleaning of  
stables &c. ;

**400.** Compel the owners or occupants of houses to clean their stables, cattle-sheds, pig-styes, sheds, privies and yards belonging to such buildings and to keep them continually clean ; ,

Oblige gro-  
ceries &c., to  
be kept clean,  
etc. ;

**401.** Oblige the owners or occupants of all groceries, cellars, manufactories, tanneries, drains or other unhealthy and fetid places, to keep them clean and render them wholesome ;

Regulate &c.,  
fattening of  
pigs in town. ;

**402.** Regulate or prohibit the raising and fattening of pigs within the town ;

To compel  
owners &c.,  
of steam  
engines &c.,  
to obtain per-  
mit before  
using, etc. ;

**403.** Compel persons, owning or using steam engines, steam boilers, factories, chemical works, or owning other work-shops or establishments, to obtain a permit from the council before being able to work such machines, factories, or work-shops, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishments ; and to impose a fine of one hundred dollars for the violation of any by-law made under the provisions of this article, and, in default of immediate payment of the said fine and costs by the offender, an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine of fifty dollars per day for each day the offender shall continue in the violation of such by-law :

Penalties ;

Prohibit teas-  
ing of wool,  
etc. ;

**404.** Prohibit the teasing of wool, hair or other similar articles ;

**405.** Compel the proprietor or occupant of any lot of land having stagnant and filthy water upon it, or that is in a condition dangerous to the public health, or the agent of the proprietor of such lot, or any person having charge thereof, in the absence of the proprietor ; or, in case the proprietor cannot be found, to drain off such stagnant and filthy water, or to fill up and properly level such lot ;

Compel drain-  
ing of stag-  
nant water  
on lands, etc. ;

**406.** Order that, in case the owner of such lot cannot be found and there be no person in the occupation thereof, and no one to represent the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same when so directed by the proper officer of the council, or be unable, for want of means, to fence in, cleanse, drain, fill up or level such lot, it shall be competent for the corporation to have the same done ; the expenses incurred for this purpose shall be a special charge upon such lot and shall be privileged and recoverable in the same manner as a special tax thereon.

Order filling  
up and drain-  
ing of lots and  
recover cost  
thereof ;

**407.** Prohibit any person from depositing in the town any filth, dirt or other offensive matter whatsoever, and to compel the removal thereof, by the owner or occupant of the premises on which the same may be, and, in default of his so doing, to authorize the removal or destruction thereof by the proper officer, and to recover the cost of such removal or destruction from the party refusing or neglecting so to do ; subject to his right to recover the amount so paid by him from the person making such deposit ;

Prohibit depo-  
siting of filth,  
&c. ;

**408.** Prevent the depositing or leaving in the town, or in the Richelieu River and Chambly Canal within the limits of the jurisdiction of the council, substances or matters from when issue noxious gases or odors, such as dead bodies, coal oil, superphosphate of lime in course of preparation, contents of privies, filth from yards or roads and other nuisances, as well as every object on the point of or likely to become unwholesome ; and regulate the mode of making such deposits.

Prevent depo-  
siting dead  
bodies &c.

**409.** The council has power to cause to be removed from the limits of the town by the owner or occupant of the lot on which there may be any dead body or carcass as well as any object or thing which is or is on the point of becoming unwholesome ; and in default of their so doing, to authorize the removal or destruction thereof by some officer of the town and to recover the costs from the persons refusing or neglecting to remove or destroy them.

Removal of  
carcasses &c.

## XIII.—SALE OF LIQUOR.

Council may : **410.** The council may :  
 Prohibit  
 sale of intoxi-  
 cants to  
 women &c ;  
 Prohibit the sale of all spirituous, alcoholic, vinous or  
 intoxicating liquors to women, children, apprentices or  
 servants ;

Prohibit &c.,  
 sale of intoxi-  
 cants ;  
**411.** Prohibit the sale of spirituous, vinous, alcoholic  
 and intoxicating liquors or allow the same under proper  
 conditions and restrictions ;

Regulate  
 sale of liquors  
 &c ;  
**412.** Regulate shop-keepers, inn-keepers and other per-  
 sons who retail liquors, as the council may deem expedient,  
 in order to prevent drunkenness and disorder by day and  
 by night ;

## XIV.—PUBLIC POUNDS.

Establish  
 public  
 pounds, &c.  
**413.** Establish public pounds for the safe-keeping of  
 animals and poultry found astray or doing damage on the  
 public ways and bridges or on the lands of others than  
 the owners of such animals and poultry ; determine the  
 fees to be paid to the keepers of such pounds. the dam-  
 ages payable by owners of such impounded animal and  
 poultry, and the manner in which such animal or poultry  
 shall be sold, in the event of their not being claimed within  
 a reasonable time, or in case the damages, penalties, fines  
 and expenses shall not have been paid according to law,  
 or the by-laws.

Regulate  
 dogs &c ;  
**414.** Regulate and prevent the allowing of dogs to go  
 at large in the town, and authorize the impounding and  
 the destruction of all dogs wandering at large, and the  
 destruction of dogs whose owners reside in the town and  
 have not paid the tax thereon, or of dogs kept in contra-  
 vention of the by-law of the council ;

Regulate cus-  
 tody of  
 strayed ani-  
 mals.  
**415.** Restrain and regulate the custody and abandon-  
 ment of animals of all kinds, and authorize the detention  
 thereof in public pounds, and provide for the sale thereof  
 for the penalty incurred and the costs of prosecution and  
 detention thereof.

## XV.—INDEMNITIES, RELIEFS AND REWARDS.

Indemnity for  
 property de-  
 stroyed by  
 rioters &c.  
**416.** The council may indemnify persons whose pro-  
 perty has been destroyed or injured, either wholly or in  
 part, by rioters or persons tumultuously assembled within  
 the limits of the town.

Special tax  
 therefor.  
 The council is authorized to levy, over and above any  
 other tax, on the taxable property of the town, the amount  
 which the corporation may be bound to pay for damages

occasioned to property by rioters or persons riotously assembled.

In default of the council paying such damages within six months, according to the award of arbitrators, the corporation may be sued before any competent court for the damages so occasioned.

Suit if amount not paid in certain time.

**417.** The council may :

Relieve any person who has received any wound or contracted any sickness or disease working to stop a fire ;

Council may :  
Relieve persons hurt at fires.

**418.** Grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from drowning, or endeavoring to save any one from a serious accident.

Grant rewards for conduct at fires, &c ;

**419.** Provide for the wants of the family of any person who loses his life at a fire, or while saving or who saves or endeavors to save the life of a fellow creature ;

Provide for family of persons who loses life at a fire ;

**420.** Offer and give rewards for the discovery and arrest of persons who have committed criminal offences.

Offer rewards for arrest of offenders.

#### XVI.—SUBSIDIES.

**421.** In order to encourage the establishment of manufacturing factories in the town or to secure the passing or locating of railways within the limits of the town, the council may, notwithstanding any law to the contrary, grant or guarantee by by-law to manufacturers or railway companies, loans of money, bonuses or subsidies in money or real estate, on such conditions and guarantees as it may deem proper ; but every by-law passed to that effect must be approved by at least three-fourths of the electors who are proprietors and who vote upon such by-law, provided such majority represents at least three-fourths of the total value of the taxable real estate of the electors who are proprietors and have voted on such by-law.

Corporation may subsidize railways and manufactures.

Approval of by-law for such purpose.

The by-law is submitted for the approval of the electors in accordance with article 308 and following.

No person, interested in the manufactory or railway company to be benefited by such by-law, can vote in favor of it.

Who can not vote thereon.

**422.** In case the manufacturers or companies do not comply or cease to comply with the conditions and the guarantees imposed upon and required of them by the by-law, the council may recover the loan, bonus or subsidy granted or the value thereof out of the moveables and immoveables of such manufacturers and companies as in the case of a municipal tax and with the same privilege and priority.

If conditions not complied with.

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 ages payable by owners of such impounded animal and  
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**419.** Provide for the wants of the family of any person who loses his life at a fire, or while saving or who saves or endeavors to save the life of a fellow creature ;

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Offer rewards for arrest of offenders.

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Who can not vote thereon.

**422.** In case the manufacturers or companies do not comply or cease to comply with the conditions and the guarantees imposed upon and required of them by the by-law, the council may recover the loan, bonus or subsidy granted or the value thereof out of the moveables and immoveables of such manufacturers and companies as in the case of a municipal tax and with the same privilege and priority.

If conditions not complied with.

Special tax  
for payment  
of such sub-  
sidies &c.

**423.** The council shall impose a special tax to provide for the payment of such loans, bonuses or subsidies, unless the revenues of the town be sufficient, after deducting the expenses of management and the amount of the other obligations of the council.

Levy thereof.

**424.** When such tax is imposed, it is apportioned and levied, every year, upon the immovable properties and stocks in trades or goods kept by merchants or traders, taxable according to their respective values shown on the valuation roll for each year.

By-law may  
be passed by  
council for ;

**425.** The council may, moreover, pass by-laws containing the stipulations and conditions which it deems expedient for the following objects :

Exempting  
manufactories  
from taxes for  
certain term ;

1. For exempting from general taxation for a term not exceeding ten years, every manufactory already established or which may be hereafter established ;

Remitting to  
Grand Trunk  
Railway cer-  
tain taxes for  
certain term ;

2. For remitting to the Grand Trunk Railway Company of Canada, if the council deems it in the interest of the town, for a term not exceeding ten years, the whole or a portion of the general taxes imposed upon such company, on account of the ground occupied within the town by the company for its line, including its stations and depots ; provided that the by-law authorizing such remission or exemption be approved by the majority in number of the said council ;

Permitting  
use of streets  
by railway  
companies,  
&c.

3. For permitting, upon the conditions agreed upon, the use of any street or part of a street by any railway company for laying its track therein, and for abolishing or turning off any street or part of a street for that purpose, and for acquiring by expropriation or otherwise the ground required for replacing such street or part of a street if it deems advisable to replace it ;

Giving, &c.,  
money to  
neighboring  
municipali-  
ties for roads  
to the town.

4. For giving or lending money to any neighbouring municipality, for the making of roads leading to the town.

By-law to be  
passed by cer-  
tain majority.

**426.** No by-law under paragraphs 1, 3 and 4 of the preceding article shall have any effect until it is adopted by the majority of two-thirds of the members of the council who voted thereon.

Not to be sub-  
mitted to  
electors.

Such adoption puts the by-law into force without its being necessary to submit it for the approval of the electors.

#### XVII.—MISCELLANEOUS MATTERS.

Council may :

**427.** The council may :

Regulate  
speed of hor-  
ses, etc ;

Regulate the speed of horses in the streets, forbid their going on the side-walks, and regulate how they shall be

left standing, loose or tied, in the streets, yards or open sheds in the town ;

**428.** Impose a penalty of a fine of not less than five dollars, besides costs of suit, or an imprisonment not exceeding fifteen days in default of payment of the fine and costs, against any person who, during the winter season, rides or drives a horse or beast of burden in the streets, without the animal or vehicle being provided with bells, in order to prevent accidents ;

Impose fine upon persons driving in winter without bells on vehicles, &c;

**429.** Prevent all riots and noisy and disorderly meetings and punish the authors thereof.

Prevent riots, &c.

No public meeting shall be convened or held within the limits of the jurisdiction of the council without the consent of the mayor or council or of two judges of the peace ;

Consent required to hold meetings.

**430.** Regulate and determine the manner in which the streets shall be kept during the winter season by the council or by those persons who are obliged to do so ;

Regulate keeping of streets, in winter ;

**431.** Prevent burials within the limits of the town or fix the places where they may take place ; compel the disinterment of bodies, buried in contravention of this provision, except the bodies of priests or nuns or Protestant clergymen buried in the churches of the town ;

Prevent burials in town ;

**432.** Prevent the profanation of burying grounds, graves, sepulchres, monuments or vaults, where the dead are buried ;

Prevent profanation of burying grounds ;

**433.** Prevent horses or other animals from being cruelly or barbarously treated ;

Prevent cruelty to animals ;

**434.** Establish, regulate and manage public slaughter houses, either within or without the limits of the town, that is to say, at a distance of one mile from such limits, and prohibit private slaughter houses in the town ;

Establish slaughter-houses, etc ;

**435.** Authorize the confiscation, for the benefit of the poor of the town, of any article offered for sale or sold or delivered, in contravention of the by-laws ;

Authorize confiscation of articles sold, etc., in contravention of by-laws ;

**436.** Cause the houses and lots in the town to be numbered ; compel every owner, tenant or occupant to allow numbers to be affixed on their houses or lots, as also the name of the street or square ;

Cause lots and houses to be numbered, etc ;

**437.** Prohibit or regulate the cutting of ice opposite the town on the River Richelieu ; permit the same under

Prohibit, etc., cutting of ice ;

certain conditions and restrictions, and determine at what places such ice may be taken ;

**438.** Regulate the conduct of apprentices, servants, hired persons, day-laborers, or journeymen, whether they be of age or minors, towards their masters or mistresses, and the conduct of masters and mistresses towards the former ;

**439.** Prevent or remove all abuses prejudicial to agriculture and not specially provided against by law ;

**440.** Establish, regulate and maintain drinking fountains and public privies in the town.

**441.** When the council, in its discretion, may deem it expedient to cause privy-vaults or privies in the town to be emptied by contract, it may stipulate in such contract that the owners of such privy-vaults or privies shall be held to pay to the contractor the cost of removing the contents of such privy-vaults or privies, at the price fixed by such contract ; provided such price does not exceed seven cents per cubic foot ;

Such contractor has the right to recover from the owner of the premises, the sum due under such contract, before the ordinary tribunals.

**442.** The council is authorized in the interest of the town to make all other local by-laws not contrary to law.

#### XVIII.—MAINTENANCE OF THE PEACE, ENFORCING BY-LAWS.

**443.** The council may establish, regulate, arm, lodge, clothe and pay a police force and determine the duties of the officers and men of such force or constables, for maintaining peace and good order and for observation of the municipal by-laws in the town, and on the River Richelieu and Chambly Canal, within the limits of the jurisdiction of the council.

**444.** All the constables have the necessary powers for the performance of the duties imposed on them, within the limits of the town, and outside thereof upon all wharves and bridges upon the ice and waters, on any boat or vessel on the River Richelieu, within the limits of the jurisdiction of the council.

**445.** The powers of the police constables extend to the whole district of Iberville, but they cannot act outside of the limits of the town, without the written authorization of the mayor or an order from a justice of the peace.

**446.** Every constable, policeman or police officer who is guilty of disobedience, insubordination, drunkenness, neglect, bad conduct, abuse of power, partiality or misfeasance in the performance of the duties imposed on him by law, incurs, upon conviction of such offence, a fine not exceeding forty dollars and in default of payment of such fine an imprisonment not exceeding one month.

Punishment  
of constables  
for disobe-  
dience.

**447.** The mayor or the council may suspend or dismiss any constable who is guilty as aforesaid.

Suspension,  
etc., of con-  
stables.

**448.** All and every such police officer or constables may arrest, on view and without a warrant, any person they may find breaking the public peace, or lying or loitering, either during the night or daytime in any highway, field, yard or other place, or lodging or sleeping in any barn, out-house or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk, shouting, swearing or causing tumult on the public roads or highways, wharves, bridges or on any part of the River Richelieu, and Chambly Canal or in any vessel on the River Richelieu and Chambly Canal, within the limits of the town, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any federal or provincial law, or any by-law of the town.

Power to ar-  
rest on view  
for certain  
offences.

They may also arrest, on view and without a warrant any such persons immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence.

**449.** They shall have also the power and authority to arrest, even without the limits of the town, all persons who shall have contravened any federal or provincial law, or any by-law of the town, or who shall have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law or any such by-law.

Power to  
make arrest  
outside town.

**450.** It shall be lawful for any police officer or constable of the said town to go into every house, store-house, grocery store, shop, inn or suspicious house, and to go into every yard or other place, within the limits of the town, in which any person may be reasonably suspected to be for evil motives, or when there is reason to believe that some stolen articles have been hidden or received therein; and, if any such person be found in such places, the said police officers or constables shall arrest, on view and without a warrant, and shall keep in custody, any such person.

Power to en-  
ter houses &c.,  
to search for  
stolen arti-  
cles, etc.

**451.** Any constable shall also have power and authority to go into every inn, hotel and into every shop, licensed for

Power to enter  
inns to see

that regulations are observed and to arrest offenders.

the sale of spirituous, vinous or fermented liquors, to ascertain if the law or the by-laws regulating such houses be faithfully observed, and to arrest, on view and without a warrant, all such persons whom they may find in such houses contravening any laws or by-laws.

Power to serve summons &c.,

**452.** The constables shall have power and authority to serve all writs of summons and subpoenas and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for preliminary examination or arrested in virtue of a warrant of arrest for the commission of any crime or misdemeanor, or the violation of any federal or provincial law, or any by-law of the town.

Power to serve special notices.

**453.** The constables or police officers shall have power and authority to serve all special notices and to publish all public notices, in accordance with the various provisions of this act, and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect.

Constable to make arrest if required by members of council, etc

**454.** Any constable shall, if he is so required by the mayor or by another member of the council, or by the council itself, apprehend and arrest on view all persons found contravening the provisions of any by-laws of the council punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law.

Member of council may order arrest of drunken persons.

**455.** It shall be lawful for any one of the members of the said town council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person, whom he shall find disturbing peace within the said town and on the River Richelieu or Chambly Canal, and to confine him in the common goal of the district, or other place of confinement, in order that such person may be secured until he can be brought before the mayor or a justice of the peace, to be dealt with according to law.

Penalty upon persons assaulting constables in execution of their duty

**456.** Every person, who shall assault, beat, molest, impede or forcibly resist any constable or other officer engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, shall, upon conviction thereof before the mayor or a justice of the peace, be liable to a fine of from four to forty dollars or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary.

Offenders may be proceeded against by indictment.

It shall be lawful for the council or such constable or other officer, if the offence be serious, to proceed by indictment.

ment against any such offender, but nevertheless only one proceeding at law shall be adopted.

**457.** Any constable may arrest on view, either by day or night, any one infringing any of the by-laws of the town by refusing to pay the hire of any licensed carter's vehicle, and to bring him immediately before a member of the said council or before a magistrate, if it be in day-time, or to hand over such person to the guardian of the prison or other place of detention, if it be at night, to be dealt with according to law.

Power of constables to arrest on view persons refusing to pay carters.

**458.** Upon an order of the council or the mayor, any constable may enter upon, inspect and examine, at any hour of the day or night, any moveable or immoveable property, the interior or exterior of any yard, house or building whatsoever and also inspect the interior of any craft or vessel within the limits of the jurisdiction of the council on the River Richelieu or Chambly Canal, in order to ascertain whether the by-laws of the council are observed or for the purpose of arresting any one.

Power of constable when ordered to enter houses &c., to ascertain that by-laws are observed.

The owners or occupants, of such moveables or immoveables are bound to receive and admit such constable under penalty of a fine not exceeding forty dollars.

Owners to permit such entry. Fine if they refuse.

**459.** All the constables shall obey the lawful orders they may receive from the council, from any of the members thereof individually, or from any justice of the peace for the district of Iberville.

Constables to obey orders.

**460.** Any such persons, so summarily arrested in virtue of this act, shall be immediately conveyed to the common gaol of the district of Iberville or place of confinement established in the town, there to be safely kept until they may be taken before the mayor or one or two justices of the peace; but such persons so arrested may give bail or a sufficient recognizance, to be taken or received by the said mayor, for their appearance, and shall appear on the day appointed, before the said mayor or justices of the peace.

Persons arrested to be conveyed to gaol, etc

Bail may be given.

**461.** The council may erect a building or obtain a suitable place for a lock-up for the temporary confinement of offenders arrested by police-constables; and determine in the best possible manner, what supervision shall be exercised over the persons so confined, until such time as they are brought before the proper authority, to answer to the charges and offences for which they were arrested and confined.

Council may erect lock-up etc.

## TITLE XI.

## VALUATION ROLLS.

Appointment  
of valuers.

**462.** At one of its sessions in the month of April of each year, the council appoints three valuers who shall, within the delays and in the manner prescribed by the council, make the valuation rolls of the town.

Number may  
be increased  
or decreased.

**463.** The council may, when necessary, increase or reduce the number of valuers, and it may afterwards remove and replace those who do not faithfully perform their duties.

Term of office  
and salary of  
valuers.

**464.** The valuers remain in office until their successors are appointed, and the council determines their remuneration.

To be sworn.

Before entering into office they take the oath of office, according to form A, before the mayor or secretary-treasurer.

Return to be  
transmitted to  
council by  
railway com-  
panies as to  
their pro-  
perty.

**465.** Every iron railway company or wooden railway company possessing real estate in the municipality shall transmit to the office of the council, in the month of May in each year, a return shewing the actual value of their estate in the municipality, other than the road, and also the actual value of the land occupied by the road estimated according to the average value of land in the locality.

To be commu-  
nicated to  
valuers.

Such return must be communicated to the valuers by the secretary-treasurer in due time.

Valuers' duty in mak-  
ing valuation.

The valuers, in making the valuation of the taxable property in the municipality, shall value the real estate of such company, according to the value specified in the return given by the company.

If return not  
transmitted.

If such return has not been transmitted in the time prescribed, the valuation of all the immoveable property belonging to the company shall be made in the same manner as that of any other rate payer.

Roll what to  
comprise.

**466.** Each roll must include all the taxable property of the town, contain the valuation of such of the said property which is taxed, according to its value, and mention the names of all the persons liable for the payment of such taxes.

Further con-  
tents of roll

**467.** The rolls must further contain, in as many separate columns and arranged in the following order, the information hereinafter enumerated :

1. The successive numbers on the roll ;
2. The names and christian names of the proprietors of taxable property if they be known ;

3. The age and condition of such proprietors, and whether they reside in the town ;

4. Who occupies the same and under what title ;

5. The condition and age of the tenants or occupants ;

6. The designation, as far as practicable, by the cadastral number of the taxable real estate ;

7. The real value of such real estate, with separate mention of the value of any part of a lot occupied by any person who is not the proprietor thereof ;

8. The annual value or rent thereof ;

9. Whether the tenants or occupants reside in the town, whether they are householders therein in the case of the valuation of a house or whether they have their office or place of business there and they occupy them themselves ;

10. The kind and number of taxable moveable property ;

11. The average value of stocks in trade and other articles taxable under paragraph 2 of article 494 ;

12. The names, christian name, condition, residence or place of business of every person subject to the professional tax ;

13. The total value of the taxable moveable property and stocks in trade of each person ;

14. All other details prescribed by the council, and the insertion of the names of those who, according to the election act should be entered on the roll.

**468.** The rolls shall be signed by at least two of the <sup>Signature to</sup> ~~Signature to~~ <sup>rolls.</sup> ~~rolls.~~ valuator.

**469.** The valuator shall estimate the immoveable property according to their real and actual value, and when <sup>Valuator to</sup> ~~Valuator to~~ <sup>estimate ac-</sup> ~~estimate ac-~~ <sup>tual value of</sup> ~~tual value of~~ the rent agreed upon for such property does not represent <sup>immoveable</sup> ~~immoveable~~ the annual value, the valuator enter on the valuation roll <sup>property.</sup> ~~property.~~ the real annual value, which alone serves as a basis for the imposition of the tax on tenants and occupants.

**470.** When a proprietor of a real estate is unknown, <sup>If owners</sup> ~~If owners~~ the valuator insert the word : " unknown " in the column <sup>unknown.</sup> ~~unknown.~~ of proprietors.

**471.** The actual value of real estate in the town shall <sup>" Actual va-</sup> ~~" Actual va-~~ <sup>lue " what to</sup> ~~lue " what to comprise the value of the buildings, workshops and ma- <sup>comprise.</sup> ~~comprise.~~ chinery and their accessories thereon erected and that of all the improvements which have been made to it.~~

**472.** In the valuation of a lot of land belonging to <sup>Valuation of</sup> ~~Valuation of~~ railway company and occupied by it, the valuation is based <sup>land belong-</sup> ~~land belong- <sup>ing to railway</sup> ~~ing to railway upon the average value of land in the locality without <sup>companies.</sup> ~~companies.~~ counting the grading or rails and bridges used by the road.~~~~

Designation  
of such land.

Such lot is sufficiently designated by entering it on the roll as "railway of the (inserting the name of the company) company.

Designation  
in cases of  
valuation of  
property held  
by joint own-  
ers.

**473.** When the valutors assess property possessed *par indivis* by more than one person, or the partition whereof has not been registered in the registry office, it shall be lawful for them to designate such property as belonging to "the *Estate of* \_\_\_\_\_," mentioning the name of the "*auteur*" of the interested parties, or the name of one of the co-proprietors thereof; and the co-heirs, in the case of a succession, or co-proprietor, so named, as the case may be, shall be held to pay the tax, saving their or his recourse against any other person liable therefor.

Persons  
bound to an-  
swer assessors  
correctly.

**474.** Every person, who is subject to taxation on account of his employment, his profession or business, and every proprietor, tenant or occupant of assessable property or object, shall be obliged to answer, correctly, all questions put to him by the valutors upon this subject and to give all necessary and possible information;

Penalty for in-  
correctly an-  
swering &c.

If such persons should refuse to answer the questions put to them, or if the answers they have given on any subject or matter of information, which is required to be inserted upon the roll, be false or incorrect, they shall be liable to a fine of not more than twenty dollars and not less than eight dollars, or to imprisonment for not more than one calendar month.

Deposit of va-  
luation rolls.

**475.** The valutors shall lodge the valuation rolls in the office of the council, immediately after their completion; and notice of such deposit is published and posted up by the secretary-treasurer.

Notice.

Examination  
of rolls.

The rolls remain open to public examination for twenty days counting from the publication of the notice.

Complaints  
against rolls.

**476.** During such space of time, any person who *deems* himself aggrieved by the rolls as drawn up, personally or for another, may appeal therefrom to the council, by giving to that end a written notice to the secretary-treasurer stating the grounds of his complaint.

Hearing of  
complaints by  
council.

**477.** The council at its first session, or as soon as possible after the expiration of the twenty days above mentioned, and after public notice of the day of the meeting is published and posted up, may hear the parties and their witnesses as well as the valutors under oath, and maintain or alter the rolls as it may deem proper, and shall declare them to be homologated and in force until other rolls come into force.

**478.** If, after the valuation rolls shall have been declared closed as aforesaid, any property in the town shall be considerably diminished in value, either by fire, the pulling down of buildings, accidents, or any other cause, the council may, on petition from the owner, cause the valuation of such property to be reduced by the valuator to its actual value.

Reduction in value of property entered on roll.

If any omission has been made in the valuation roll, or if any new building tending to increase the value of real property in the town, shall have been erected subsequent to the closing of the valuation rolls, or if one or more lots had been detached from farms or lands under cultivation and sold as town lots after the closing of such rolls, the council may order the assessors to value any property so omitted or increased in value as aforesaid, for the purposes of adding it to the supplementary rolls.

Entry of property omitted and new buildings.

**479.** The council may, at any time, after the closing of the rolls, cause all persons, all taxable property omitted from the rolls, as well as all taxable property added afterwards, to be assessed entirely or proportionately so as to be entered on supplementary rolls which shall be opened by the secretary-treasurer.

Entry of persons &c., after completion of rolls.

**480.** After every change of owner or occupant of any land set forth in the valuation rolls in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such rolls the name of the new one.

Change of owners of real estate provided for.

**481.** The supplementary rolls are received and homologated by the council at one of its sessions after the parties interested have been notified, by a special notice of three days, of the day and hour of the meeting and of its object.

Homologation of supplementary rolls &c.

**482.** On the day fixed, the council hears the parties interested and maintains or alters such supplementary rolls as it may deem expedient and declares them homologated and in force for the remainder of the fiscal year.

Hearing of objections to supplementary rolls.

**483.** The default on the part of the council, or of the valuator, to act within the time prescribed has not the effect of preventing the making and homologation of the rolls even beyond the time prescribed.

If rolls not homologated &c., in time.

**484.** When the valuation rolls are set aside in virtue of article 606, the last valuation rolls again come into force until new rolls come into force.

If valuation roll is set aside, previous one revives.

## TITLE XII.

## TAXES.

## SECTION I.

## GENERAL PROVISIONS.

Revenues of  
council.

**485.** The revenues of the council are those which it may create for itself by means of the taxes and licenses which this act authorizes it to levy.

Moneys not  
specially ap-  
propriated be-  
long to gene-  
ral fund.  
Surplus of  
special fund.

**486.** All moneys not specially appropriated from part of the general fund of the corporation.

Whenever an amount levied is greater than is necessary to enable the council to meet the obligations for which the sum was levied, the surplus belongs to the corporation and is paid into the general fund of the corporation.

Application of  
moneys from  
general fund.

**487.** Moneys forming part of the general fund of the corporation may be employed for any purpose within the powers of the council.

Reduction  
may be allow-  
ed to certain  
rate-payers.

**488.** It shall be lawful for the council, at any time, to decree, by resolution, that the rate-payers, who pay their taxes or municipal dues within a specified period, shall benefit by a reduction which the council shall determine.

Notice of such  
to be given.

The secretary-treasurer shall give public notice of such resolution in the newspapers.

Interest on  
taxes, &c.

**489.** Taxes and municipal dues shall bear interest, at the rate of six per cent per annum, from the expiration of the delay during which they ought to be paid, without its being necessary for such purpose that a special demand of payment be made.

Interest not to  
be remitted.

Neither the municipal council nor its officers shall remit such interest.

Municipal  
dues to be a  
privileged  
debt.

**490.** All municipal dues and the interest thereon shall constitute a privileged debt, exempt from the formality of registration; and in the case of distribution of moneys by authority of justice or according to law or by voluntary liquidation, such dues shall be collocated in preference to all other claims, both on the proceeds of the sale of moveables and of that of immoveables.

Prescription  
of arrears of  
taxes.

**491.** All arrears of municipal taxes are prescribed by five years.

## SECTION II.

## NON-TAXABLE PROPERTY.

**492.** The following property is exempt from taxation in the town : Property exempt from taxation.

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person, in trust for the service of Her Majesty, Her Heirs and Successors :

2. All Federal and Provincial property and buildings ;

3. Every place of public worship, presbytery and its dependencies and every burying ground ;

4. Every public school-house and the ground on which the same is constructed ;

5. Every educational establishment subsidized by the State or by the town and the ground on which the same is constructed ;

6. All buildings, ground and property occupied or possessed by hospitals or other charitable or educational establishments ; but properties in the possession of religious, charitable or educational establishments for purposes of revenue shall not be exempt from taxation ;

7. Every court-house and gaol and the grounds attached thereto.

**493.** However, such exemption does not extend to lots nor to buildings erected on lots rented or occupied by Government tenants ; the lessees and tenants are in such cases liable for the tax imposed on lessees and occupants. Exception as to certain property.

Neither does such exemption apply to the water tax nor to the taxes and assessments imposed for cost of drains or for the expense of keeping the side-walks in order during the winter season. Exception as to certain taxes, &c.

## SECTION III.

## IMPOSITION OF TAXES.

**494.** In order to realize the moneys required for the administration of the town and the management of its affairs, and to enable it to meet its obligations and effect the necessary improvements, the council may impose and levy annually by by-law on the moveable and immoveable property of the town and upon persons and their various kinds of business or professions, the general or special taxes hereinafter mentioned, namely : Power of council to impose and levy certain taxes for certain purposes upon :

1. Upon all immoveable property, a sum not exceeding three-quarters of a cent in the dollar on the total real value as shown on the valuation roll of the town, in force ; Immoveable property ;

Stocks-in-trade ;

2. Upon all stocks-in-trade or goods kept by merchant, or traders and exposed for sale on shelves or otherwise in shops or stores or kept in vaults, sheds, yards or other places, an amount not exceeding three-fourths of a cent in the dollar of the average estimated value of such stocks-in-trade or goods ;

Tenants ;

3. Upon all tenants paying a rent of the annual value of at least thirty dollars per annum, and upon every occupant of real property of the annual value of at least thirty dollars, a sum not exceeding six cents in the dollar on the amount of the rent or annual value of the property leased or occupied ;

Certain professional men, &c ;

4. Upon every person habitually practising in the town the profession of advocate, physician, notary, dentist, surveyor, civil engineer or any other liberal profession, or acting as a public officer or employee, or as prothonotary of the Superior Court, or clerk of the Circuit Court, or as deputy prothonotary, or deputy clerk, or as registrar, or sheriff, a sum not exceeding six dollars ;

On the deputy sheriff and gaoler a sum not exceeding four dollars ;

This tax is called the " professional tax. "

In the event of a person holding several of the offices taxable under this article, only one tax shall be exacted ;

The persons who are subject to the professional tax are bound to pay the same on account of their employment or the duties they perform in the town, even when they do not reside therein ;

Horses &c ;

5. Upon every horse, mule or ass, a sum not exceeding one dollar ;

Upon each stallion kept for breeding purposes, a sum not exceeding ten dollars ;

Upon every cabriolet or light waggon, drawn by two horses, a sum not exceeding two dollars ;

Upon every cabriolet or light waggon, drawn by one horse, a sum not exceeding one dollar ;

Upon every single sleigh, for one horse, a sum not exceeding one dollar, and upon a double sleigh, a sum not exceeding two dollars ;

Upon every dog, a sum not exceeding two dollars, and upon every bitch, a sum not exceeding six dollars.

The person in possession of the animals and articles above enumerated is deemed to be the owner thereof and is taxed in consequence, saving his recourse, if any, against the real owner.

Proviso.

Horse dealers and manufacturers of vehicles are not subject to the tax imposed on such animals and articles, as regards the horses and vehicles which they buy, make or keep for sale in the ordinary course of their trade.

**495.** The council may also in its discretion impose and levy annually a special tax, called "business tax", upon all or any persons or companies exercising, practising or carrying on in the town any of the kinds of business, occupations, arts, professions, industries, manufactures or means of profit or of livelihood hereinafter mentioned, namely :

1. Upon every pedlar or itinerant trader residing in the town, a sum not exceeding twenty dollars :

2. Upon every broker, commission merchant, pawn broker, auctioneer and exchange broker, a sum not exceeding thirty dollars ;

3. Upon every brewer or distiller, a sum not exceeding fifty dollars ;

4. Upon every person keeping billiard, mississippi, pigeon-hole tables, bowling alleys and other similar games, a sum not exceeding twenty dollars ;

5. Upon every fire and life insurance company doing business and taking risks in the town or on their agents, a sum not exceeding fifty dollars ;

6. Upon every bank or banks and their agents or managers doing business in the town with a paid-up capital of one million dollars or over, a sum not exceeding one hundred dollars, or a sum not exceeding seventy-five dollars when the paid-up capital is less than a million and not less than five hundred thousand dollars, and fifty dollars if the paid-up capital is less than five hundred thousand dollars ; upon every building society doing business in the town, a sum not exceeding fifty dollars ;

7. Upon every electric telegraph, telephone, electric light or gas company or their agents, a sum not exceeding one hundred dollars ;

8. Upon every butcher, grocer, fancy goods, iron or general merchant, druggist, baker, huckster, hawker, owner or keeper of a coal or wood yard, slaughter house or tannery ; upon every dealer in horses ; upon every manufacturer of bricks, soap, tallow candles, glue, ginger-beer or other beer ; upon every owner of mills driven by steam or water power, foundries, manufactories whatsoever, or their agents or managers, or all persons working the same, a sum not exceeding twenty dollars.

Persons or companies liable to the business tax are obliged to pay the same on account of their business or industry within the town, even if they do not reside therein.

**496.** The amount of the dues or taxes mentioned in the two preceding articles is fixed and determined by the council in its discretion, and may be imposed and levied by the same by-law or by different by-laws.

**497.** The special taxes enumerated in article 495 may be imposed and levied under the form of license, if the

Council may levy "business tax" upon certain trades callings etc.

Pedlars, &c ;

Brokers, &c ;

Brewers, &c ;

Keepers of billiard tables, &c ;

Fire insurance companies &c ;

Banks, &c ;

Electric telegraph companies &c ;

Butchers, &c ;

Interpretation.

Amount of dues etc., how fixed.

How special taxes to be levied.

council so decides, and in such case it is not necessary that the persons liable to such taxes be mentioned in the valuation or collection rolls.

Taxes upon persons carrying on business for only part of year, and power of council to remit part thereof.

**498.** Every person who, during the fiscal year, carries on or practises any kind of business or occupation, which renders him liable to the business tax, is bound to pay the whole of such tax whatever may be the time of the year at which it becomes due, unless the council remits any portion of such tax to him on account of the short time to elapse before the end of the fiscal year.

Exception.

The council cannot, however, remit except when the tax would become due only during the last three months of the fiscal year.

Business tax upon each trade.

**499.** The business tax is exigible for carrying on each such trade, business or occupation, even when it is so carried on by the same person, firm or company.

Power to levy money by special assessments, etc.

**500.** The council may levy moneys, by special assessment, for any object whatsoever within the limits of its powers, upon all property or only upon immoveables comprised within the limits of the town upon a petition of the majority of rate-payers who will have to pay such tax, to the amount and upon the conditions set forth in the petition.

Proviso as to exemptions.

In such case, those who are exempt from taxation under the provisions of this act shall be liable to the assessment imposed under this article.

License for non resident pedlars, etc.

**501.** The council may levy, by license for a year or for a determined period or otherwise, upon all persons who do not reside within the limits of the town, and who sell, retail, expose for sale or peddle any species of goods and effects or cause such goods or effects of any nature whatsoever to be sold, retailed, peddled or exposed for sale, such yearly sum as it may determine.

Special license for transient traders selling bankrupt, &c., stocks in trade.

**502.** The council may, moreover, by by-law or by simple resolution, levy and collect by special license, a sum not exceeding one hundred and fifty dollars of and from all persons who come temporarily into the town to sell or cause to be sold merchandize or goods belonging, in whole or in part, to a bankrupt stock or other stock of merchandize, goods or effects, either by auction or by private sale.

Proviso.

The whole without prejudice to the right to impose the taxes mentioned in articles 494 and 495.

Rights conferred by license.

**503.** Every license signed by the secretary-treasurer gives the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the fiscal year.

**504.** The council may, whenever it deems advisable, authorize, by resolution, the secretary-treasurer or any other officer to add to the amount of all taxes to be levied upon the taxable property in the city, a sum not exceeding ten per cent to cover losses, costs and bad debts and for the discount which the council may allow for taxes, rates or assessments paid before they are due.

Percentage for losses may be added to taxes.

**505.** All fines and penalties recovered under this act shall be paid into the hands of the secretary-treasurer, and the proceeds of all licenses granted shall form part of the fund of the town, any law to the contrary notwithstanding.

Fines &c., to whom to be paid and to whom they belong.

**506.** Notwithstanding any law to the contrary, no license for an inn, temperance hotel, restaurant, railway buffet, liquor shop and generally any place intended for the sale by retail of spirituous or fermented liquors in the town shall be granted, renewed or transferred without a permit from the council.

Permit required before licenses for inns etc., are granted.

The council shall have the right to require for each such permit, in addition to all the other dues or taxes imposed in virtue of this act, from every person applying for such license or the transfer or renewal of such license, a sum not exceeding one hundred and fifty dollars, if for a license for an inn, restaurant, railway buffet or temperance hotel, and a sum not exceeding seventy-five dollars if for a license for a wholesale or retail liquor store.

Fees upon permits.

The collector of provincial revenue shall not grant any license, renewal or transfer of a license without such permit from the council.

Licenses not to be granted etc., without permit.

**507.** Whether there be or be not a by-law to that effect, no person can keep in the town any circus, menagerie or equestrian performance, or give any theatrical or musical performance, or keep any show, exhibition, gymnasium or other game for profit, without having previously obtained for each of such representations or other objects, a permit from the mayor and a license from the secretary-treasurer, and without having paid the latter for such license, a sum not exceeding one hundred dollars for every circus, menagerie or equestrian performance, and a sum not exceeding fifteen dollars for each of the other objects mentioned in this article.

Permit and license required to hold circus etc., in town.

**508.** The council may, by simple resolution, determine the sums payable for the licenses mentioned in the preceding article.

Sums for licenses how determined.

**509.** Every person who infringes the provisions contained in article 507 is liable to a fine not exceeding one

Fines upon persons infringing article 507.

hundred dollars. and, in default of payment of such fine, an imprisonment of not more than three months.

## SECTION IV.

## COLLECTION OF THE TAXES.

§ 1.—*Mode of Collection.*

Collection roll  
when and by  
whom made.

**510.** Every year, at the time specified by the council, and as soon as the valuation rolls are closed and homologated, the secretary-treasurer makes out a general collection roll comprising all the taxes, both general and special, imposed under the provisions of this act.

What is com-  
prised in roll.

**511.** Such roll may, amongst other things, contain in separate columns :

1. A series of consecutive numbers ;
2. The name and status of each rate-payer, if he be known, or if not, the word "unknown";
3. The indication of his quality of proprietor, occupant, tenant or professional man, and the nature of the business of every rate-payer liable to the business tax ;
4. Whether he is a resident of the town or has his office or place of business therein ;
5. The real value of the taxable property of each rate-payer, as shown on the valuation roll in the case of immoveable property and stocks-in-trade ;
6. The rent or annual value of the property leased or occupied ;
7. The nature and number of the taxable moveable property ;
8. The amount of arrears, if any ;
9. The total amount of taxes payable by each rate-payer ;
10. A number referring to the number on the valuation roll ; and
11. All other information which may be necessary or be prescribed by the council.

How special  
collection  
rolls are  
made, &c.,  
deposited.

**512.** Every special collection roll for taxes or assessments, other than those imposed for sewers in accordance with articles 567 and following, may be made and deposited in the same manner as the general collection roll, and all the provisions of section IV of title XII of this act apply thereto, *mutatis mutandis*.

Notice of com-  
pletion and  
deposit of col-  
lection roll.

**513.** The secretary-treasurer, after having completed the collection roll, gives a public notice, published and posted up, in which he announces that the general collection roll is completed and deposited in his office, and he

Persons enter-  
ed thereon

calls upon all persons liable for the payment of the sums

therein mentioned to pay the same at his office within twenty days from the publication of the notice.

called upon to pay within certain time.

**514.** At the expiration of the delay of twenty days, the secretary-treasurer shall demand the payment of all the sums mentioned in the collection roll and not yet collected, from the persons obliged to pay the same, by serving or causing to be served upon them a special notice to that effect accompanied by a detailed statement of the sums due by them.

Special notice, with statement of amount due, to be served upon rate-payers demanding payment.

**515.** When the secretary-treasurer shall have furnished a ratepayer in arrear with a detailed statement of his account, he shall not be bound to repeat the same details in the account which he may subsequently furnish, but he shall mention, in a lump sum, the amount which he shall have previously given the details to such rate-payer, and he shall be bound to give details only of the new arrears of that year.

If account in detail is furnished, secretary-treasurer not bound to furnish another.

He shall, however, make out an account in detail upon payment of a fee of fifty cents.

Fee if afterwards required.

**516.** If after the fifteen days next following the demand made in virtue of article 514, the sums due by the persons entered on the collection roll are not paid, the secretary-treasurer may levy them together with costs, by seizure and sale of the goods and chattels of the debtors which may be found in the town.

Seizure and sale of goods and chattels if amounts not paid in certain time.

**517.** Such seizure and sale shall be made under a warrant signed by the mayor, or a justice of the peace, addressed to a constable, or bailiff, who shall act under his oath of office according to the same rules and be subject to the same responsibilities and penalties as for executions in virtue of a writ *de bonis* issued by the Circuit Court.

How to be made.

The mayor or justice of the peace, in giving and signing such warrant, shall not incur any responsibility,—he acts under the responsibility of the corporation.

Responsibility for such warrant.

**518.** The moveables or effects to be sold under the provisions of this act, for the recovery of taxes, assessments or other dues, shall be put up to public auction; but such moveables or effects shall be exempt from auction duty, and it shall not be necessary that they be sold by a licensed auctioneer.

Moveables, &c., to be sold by auction.

Exempt from auction duty, etc.

The bailiff or constable may, when he deems it advisable, remove the chattels seized to the market place in the town, to be there sold.

Effects seized may be removed to market place for sale.

What quantity of goods to be sold.

**519.** No larger quantity of goods and chattels shall be sold than shall be sufficient to pay the amount of the debt, interest and costs; unless from the nature of the article seized it is impracticable so to limit such sale.

If goods sold for more than amount due, surplus to be returned to owner.

If the goods and chattels seized are sold for more than the whole amount of the said taxes or assessments and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were, when the seizure was made; but if any claim for such surplus is previously made by any person by reason of any right or privilege thereupon, and such claim is admitted by the person against whom the seizure is made, such surplus shall be paid to such claimant; if such claim be contested, the surplus money shall be retained by the treasurer until the respective rights of the parties be determined by the Circuit Court.

Doors, if closed, may be opened upon certain order.

**520.** The mayor or justice of the peace may, by a special written order, duly signed, authorize any person charged with the execution in the town of a writ of seizure, arrest, summons or sale in municipal matters, either civil or criminal, to open the doors of houses or buildings, boxes or other places which he may find closed, or admission or entrance to which, is refused him, and may also in virtue of the same order require the assistance of any other person he may deem expedient, and the costs incurred on such proceedings are levied under the same warrant.

Persons refusing entry to officer guilty of rebellion & justice

**521.** Whosoever refuses admission to a house to any person charged with the seizure and sale of goods and chattels therein, is guilty of *rebellion à la justice* and may, in consequence thereof, be condemned by the mayor or any justice of the peace to an imprisonment not exceeding thirty days.

Seizure and sale to be stopped only upon judge's order.

**522.** The seizure and sale under articles 516 and following can be stopped only by order of a judge of the Superior Court on petition presented in chambers or to the Circuit Court or Superior Court of the district of Iberville.

Proceedings summary.

The proceedings on such petition are summary and there is no appeal from the judgment.

Taxes upon immovables may be collected from tenant, &c.

**523.** All municipal taxes, imposed on any immovable, may be collected from the tenant, occupant or other possessor of the land, as well as from the owner thereof, or from any subsequent purchaser of such land, even when such tenant, occupant, possessor or purchaser is not entered on the valuation roll; but the corporation may first discuss the moveable and immovable property of the owner: however, the non-payment of the property tax by the

Proviso.

Non-payment of property tax not

thirty-first December shall not have the effect of rendering the tenant of the property incompetent as an elector. to deprive tenant, &c., of vote.

**524.** Any person, not being the proprietor, who shall pay municipal taxes imposed in consideration of the immoveable which he occupies, shall be subrogated, without other formality, in the privileges of the corporation on the moveable or immoveable property of the proprietor, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs. Tenants paying taxes for proprietor entitled to deduct amount from rent, &c.

**525.** When a tax is imposed on the members of a firm or association of merchants on account of the business of such firm or association, such tax may be claimed and recovered in full, either from one of the partners or from the firm or association itself. Taxes upon firms, &c., how recovered.

**526.** All taxes imposed by means of licenses are payable on demand of the secretary-treasurer or a municipal officer, provided such demand be accompanied by a detailed statement of the taxes claimed; and in default of immediate payment, they may be levied by a distress warrant addressed to a bailiff or constable, issued and executed in the manner prescribed by articles 516 and following. Levy of taxes imposed by licenses.

**527.** However, the council may order that the taxes imposed by license be paid within a certain specified delay; in such case the secretary treasurer cannot demand payment thereof before the expiration of such delay. Council may order licenses to be paid within certain time.

**528.** Every stranger who comes into the town to carry on any business or trade, which renders him liable to the business tax, either before or after the making of the valuation rolls, and whose name is not entered on such rolls, shall be bound to pay such tax as if it were imposed by license, and on demand of payment made by the secretary-treasurer or a municipal officer, accompanied by a detailed statement in writing setting forth the by-law imposing such tax and the amount imposed. Payment of taxes by persons carrying on business in town not entered on rolls.

In default of immediate payment, such tax may be forthwith levied by a warrant of distress addressed, issued and executed as a seizure in the case of a license. Distress if not paid.

**529.** The tax imposed by the supplementary rolls becomes due and exigible three days after their homologation and it is levied like a tax imposed by a license. When tax on supplementary rolls become due.

It is not necessary to give notice of the preparation and deposit of the roll of apportionment, and the tax so imposed is payable after the delay of three days, on demand, on presentation of a detailed statement of the said tax. Notice of deposit not necessary.

Distress if not paid.

In default of payment, the secretary-treasurer may cause a warrant of distress to issue as in the case of taxes imposed by licenses.

Suits for taxes, in whose name and before what court brought.

**530.** The payment of all municipal dues may also be claimed by a suit brought in the name of the corporation before the Circuit Court or Superior Court of the district of Iberville, according to the amount claimed.

What may be included in proceedings for recovery of taxes due.

**531.** When proceedings are taken for the recovery of any tax or debt whatsoever, all that shall then be due by the person interested may be included in the same claim, as well as the cost of advertizing, and all other costs, with ten per cent in addition.

§ 2.—*Special provisions respecting the sale of immoveables for taxes.*

If taxes on immoveables are not paid within certain time after they become due warrant may be addressed to sheriff to seize such immoveable.

**532.** If the taxes imposed on one or more immoveables are not paid within six months after they have become due and payable, because the person owing them does not reside in the town, or if he resides therein because sufficient seizable moveable property belonging to him has not been found, the mayor may, with the authorization of the council, issue under his hand and that of the secretary-treasurer his warrant setting forth the amount of the taxes due and ordering the sheriff of the district to seize and sell the immoveables therein designated on account of which such taxes are due.

Notices of such sales.

**533.** The properties entered on the rolls as belonging to unknown proprietors, or as belonging to estates, are advertized as such, but mention is made in the notices of sale of the name of the last proprietor if it be known.

Proceedings by sheriff.

**534.** The sheriff executes such warrant, following the same rules and with the same effect as in the case of a writ *de terris*, and all the proceedings subsequent to the issue of the warrant by the mayor are had before the Superior Court of the district of Iberville.

## TITLE XIII.

### FINANCES OF THE TOWN—MUNICIPAL BUDGET.

Statements of accounts required to be made by committee and of probable revenue by finance committee and appropriation thereof.

**535.** As soon as possible after the committees are reconstituted, each committee shall prepare a statement of the expenses to be provided for, and the finance committee shall further submit a statement of the probable revenue for the year, and the council shall appropriate the amount which it may deem advisable to sanction for the

expense provided for, leaving a margin of not less than five per cent of its estimated revenue. Margin to be left.

**536.** Such margin shall not be touched or applied in any other manner, except upon a favorable report of the finance committee, under a penalty of a fine not exceeding fifty dollars against each member of the council taking part in an affirmative vote, or in the signing of an order or warrant to pay with respect to any expenditure out of such reserve fund, unless a favorable report from the finance committee has been filed before the council and duly sanctioned, previous to the expenditure of moneys for any purpose whatsoever out of such fund. Margin not to be touched except upon certain report. Penalty for so doing.

**537.** The secretary-treasurer is forbidden to pay out of the said reserve fund any money warrant upon the order of any of the members of the council, before the final observance of all the preliminary formalities prescribed in the preceding article. Payment of money warrants out of reserve fund.

He is also forbidden to dispose of any surplus over the amount of an appropriation, without a special authorization from the council as aforesaid, under the penalties set forth in the preceding article. Disposal of surplus of appropriations.

**538.** The secretary-treasurer shall keep a register of the proceedings of the finance committee, under the signature of the chairman of the committee and of the secretary-treasurer or of one of them. Register of proceedings of finance committee.

**539.** Every by-law, resolution, motion or notice of motion respecting any expenditure outside of the appropriations, shall, before being finally adopted, be submitted to the finance committee, who shall make a report at the next ensuing regular, special or adjourned session of the council. By-laws, etc., respecting expenditure beyond appropriations to be submitted to finance committee for report.

**540.** If the finance committee refuse or neglect to make a report as aforesaid, the council may proceed without it. If finance committee do not report.

**541.** The fiscal year in the town for all annual taxes, licenses or assessments, commences on the first day of May, and ends on the last day of April following, whatever make be the date or period of the year at which such taxes, licenses or assessments have been imposed or have become due. Fiscal year.

#### TITLE XIV.

##### LOANS.

**542.** The council may borrow various sums of money to pay its debts, make improvements in the town, and generally for all the objects within the limits of its powers. Power of council to borrow money for certain purposes.

Approval of  
by-laws au-  
thorizing  
loans.

**543.** Every by-law authorizing loans, which have the effect of increasing the debt of the town, shall, before coming into effect, be approved by the two-thirds of the electors who are proprietors of the town, who shall have voted on such by-law, provided such majority represents at least two-thirds in value of the taxable real estate of the electors who have so voted.

How to be  
given.

**544.** The approval of the electors, required for such by-laws, is given in accordance with the provisions of articles 303 and following.

Provision to  
be made for  
annual in-  
terest and  
sinking fund  
for repayment  
of loans.

**545.** Whenever the council shall contract a loan by means of debentures, it may immediately provide, from and out of the revenues of the corporation, for the payment of the annual interest, and for the establishment of a sinking fund of at least one-third of one per cent per annum.

Rate of inter-  
est

The annual rate of interest shall in no case exceed the legal rate of interest in this Province.

Investment,  
etc., of sink-  
ing fund.

**546.** The sinking fund shall be invested in the purchase of public securities belonging to the Dominion or to the Province, or in the redemption of bonds issued by the corporation, or be deposited in a bank.

Deposit of  
amounts for  
sinking fund  
with lenders.

**547.** The council may, if the lenders consent thereto, deposit in their hands the sums intended for the sinking fund.

What receipts  
to define in  
such case.

In such case the receipts given to the council shall be so drawn as to define what amount shall have been given for interest, and what amount paid for sinking fund.

Issue of pro-  
missory notes.

**548.** The council may, by resolution, issue promissory notes with or without interest, payable at such places and on such terms and conditions as it may deem expedient, to settle accounts or other current matters.

Payment of  
floating debts,  
etc.

**549.** The council may always, upon a favorable report of the finance committee, make by-laws for authorizing the issue of debentures or promissory notes to pay floating debts or meet engagements contracted or to renew or redeem, on more advantageous conditions, any debentures in circulation.

Issue of de-  
bentures to  
pay total debt  
of city, etc.

**550.** It may issue debentures, with coupons of the same date and tenor, to the amount of the total debt of the city, in order to consolidate the same; and all debentures so issued shall be equally privileged upon all the moveable and immoveable property in the town.

Notes how to  
be signed.

**551.** The notes of the corporation shall be signed by the mayor and the secretary-treasurer.

**552.** The debentures shall be signed by the mayor and secretary-treasurer; but the signature of the mayor may be lithographed upon the coupons.

Debentures  
how to be  
signed.

They shall be sealed with the seal of the city.

Seal thereon.

**553.** The debentures shall never be for more than one thousand dollars, nor for less than one hundred dollars currency, or the equivalent thereof in foreign currency.

Amount of  
each debenture.

**554.** The debentures of the corporation may be made payable to order or to bearer, on the terms, and conditions and at the places specified by the resolutions or by-laws authorizing the same.

Debentures  
how to be  
payable.

**555.** They shall bear coupons for the amount of the half yearly interest, at a rate not exceeding six per cent per annum.

Coupons.

The coupons may also cover a sinking fund.

Coupons may  
cover sinking  
fund.

**556.** The principal and interest of every note, bond or debenture, shall be secured on the general funds of the corporation.

Security for  
principal and  
interest of  
notes, bonds,  
etc.

**557.** It shall always be lawful for the town to call in its bonds or debentures, whensoever it shall be in a position to do so with advantage; in which case the interest on such bonds or debentures shall cease to accrue after one month from the date of the publication of such calling in in the Quebec Official Gazette.

Power to call  
in bonds, etc.

**558.** The total issue of debentures of the town, as well as the amount representing the floating debt, shall never exceed in capital amount, a sum of over twenty per cent of the total estimated value of taxable real estate in the town, according to the last valuation roll then in force.

Amount of  
total issue of  
debentures,  
etc., limited.

**559.** In the event of a reduction in the estimated value of the taxable real estate in the town, as shown on the valuation roll, after the total debt of the town has reached the maximum authorized, the council cannot incur further debts, and it cannot, in such case, exceed, for the annual expenditure and disbursements, the amount of revenue actually collected during each year.

If estimated  
value of real  
estate in town  
is reduced,  
council not be  
incur further  
debts.

## TITLE XV

### WATER SUPPLY AND LIGHTING.

#### SECTION I.

#### WATER-WORKS.

**560.** Articles 4485, 4486, 4487, 4488, 4489, 4490, 4491, 4492, 4493, 4494, 4495, 4496 and 4497 of the Revised

Articles 4485  
to 4497 of R.

S. Q., etc.,  
apply to town.

Statutes of the Province of Quebec, apply to the corporation of the town of St. Johns and form part of its charter, without prejudice however to the acquired rights of the proprietor of the St. Johns' water-works, according to the act 40 Victoria, chapter 68.

Special loan  
may be au-  
thorized to  
purchase  
water-works.

**561.** In order to pay for the water-works of St. Johns, if the council should buy the same, the said council is authorized to contract a special loan which shall not be subjected to the application of article 558 of this act.

Payment of  
interest and  
sinking fund.

**562.** The interest on such loan and the sinking fund for the redemption of the same are paid out of the revenues of the water-works; and, if these are insufficient, the council may impose a special tax to the amount required, which tax is apportioned every year on all the taxable real estate of the town in such manner as the council shall determine.

#### SECTION II.

#### LIGHTING.

Council  
vested with  
powers neces-  
sary for  
lighting city  
by gas, etc.

**563.** The council is vested with all the necessary powers for the establishment and management of a system of lighting by gas, electricity or otherwise, for the requirements of the public and of private individuals or companies desiring to light up their houses or establishments.

Approval  
required be-  
fore system of  
lighting is  
established.

**564.** The council shall not, however, establish any such system of lighting by gas or electricity or otherwise unless by by-law approved by the majority of two-thirds in number and value of the electors being proprietors who voted on such by-law.

R. S. Q.,  
articles 4485 to  
4497 apply to  
establishment  
of systems of  
lighting.

**565.** The articles of the Revised Statutes of the Province of Quebec, mentioned in article 560 of this act, apply *mutatis mutandis* to the establishment or management of such systems of lighting.

Proprietors  
may be  
compelled to  
allow works  
necessary  
to be carried  
on, etc.

**566.** The council may compel the proprietors of real estate in the town to allow the necessary work for the purpose to be done on their respective properties and to allow all the pipes, lamps and apparatus or posts to be placed upon their houses; provided that, in such case, the expense of the materials and work shall be borne by the town, that the solidity of the buildings be in no wise affected, that all damages which may be caused be paid by the council, and that every proprietor be indemnified by the town, if there be occasion therefor by the town or by the private individuals or company performing such work.

## TITLE XVI.

## SEWERS.

**567.** The town council may, of its own accord or on the application of the rate-payers interested, order the repairing of existing sewers or the construction of sewers in the streets of the town. Council may order repair, etc., of sewers etc.

**568.** When the diameter of the sewer does not exceed two feet, the expense caused by such repairs and construction are paid one-third by the town and the remaining two-thirds by the proprietors whose properties are situated on the street in which the sewer is. Payment of cost of sewers if diameter under two feet.

**569.** If such diameter exceeds two feet, the excess of the expenditure is paid by the town alone. If diameter is over two feet.

**570.** Every sewer or drain is made or repaired, by contract or otherwise, under the direction of the town surveyor. Repairs, etc., how to be made.

**571.** In any case, the secretary-treasurer keep account of the amounts paid for such construction or repairs, and when the work is completed he makes out the assessment or apportionment of the cost of such repairs or construction. Accounts to be kept. Assessment, &c., therefor.

**572.** He bases such assessment on the number of feet of frontage of the lots assessed or taxed without regard to their depth, and for that purpose the secretary may use the cadastre of the town. Basis of such assessment.

Lots situated on the corners of streets are taxable on both streets, but only for one-half of the number of feet of the frontage of such lots on such streets. How corner lots are to be taxed.

**573.** After having completed the assessment or apportionment, the secretary-treasurer gives to each rate-payer interested a notice setting forth the total cost of the sewer or drain, its diameter, its length and the amount payable by such rate-payer, and specifying the day and hour at which the assessment or apportionment shall be submitted to the council for homologation. Notice after assessment completed and what to contain.

**574.** On the day specified, the council hears the parties interested and homologates the assessment or apportionment, with or without amendments. Hearing of complaints, &c.

**575.** Fifteen days after the homologation of the assessment, the amount charged to each proprietor is due and payable, and the secretary-treasurer shall collect the same. When assessment becomes due.

Distress in  
default of  
payment.

**576.** In default of payment, the secretary-treasurer may levy such assessment by a warrant of distress, signed by the mayor or by a justice of the peace and addressed to a bailiff or constable.

How exe-  
cuted.

Such warrant is executed upon moveables in the same manner as a warrant for taxes or for a license, and with the same privileges.

Debts for  
sewers privi-  
leged as taxes,  
etc.

**577.** The debts due for assessment for sewers are privileged like the debts due for the taxes imposed on immoveables; and every immovable so assessed may be seized and sold in the manner, within the delays, on such conditions and with the formalities prescribed for the sale of immoveables liable for taxes.

Construction  
of main  
sewers.

**578.** The council may also, when it deems it advisable, order the construction of a main sewer or contribute towards the cost thereof.

Powers of  
council  
therefor.

The council is, in this respect, vested with all the necessary powers; it may conduct such sewer outside of the limits of the town and expropriate any land required for the purpose, even when such land is outside the limits of the town.

Loan may be  
contracted  
such purpose.

**579.** For that purpose, the council is authorized to contract a loan, the interest and sinking fund whereof shall be paid out of the revenues of the corporation, and if they are insufficient, by means of a special tax.

Payment of  
portion of  
cost.

**580.** The council may charge a portion of the cost of such sewer to the proprietors who benefit thereby in a special manner and for whom the sewer serves as an ordinary drain.

Apportion-  
ment thereof  
between pro-  
prietors.

**581.** In such case, the portion charged to such proprietors is apportioned in the manner hereinabove prescribed, and the assessment is accompanied and followed by the formalities prescribed for ordinary sewers or drains, and is payable in the same manner.

Application  
of certain  
provisions to  
collection of  
such assess-  
ment.

**582.** The method prescribed by this act for the collection of assessments for sewers or drains may be followed with respect to the assessments levied before the coming into force of this act and which are still due.

Recovery of  
amount by  
suit.

**583.** The assessments for sewers or drains may also be recovered by suit brought before the Circuit or the Superior Court for the district of Iberville, according to the amount claimed.

Such assess-  
ments are  
privileged.

**584.** Such assessments are a privileged claim on moveables and on immoveables.

**585.** They are prescribed by five years.

Prescription  
thereof.

**586.** Such prescription does not, however, apply retroactively to assessments now due, which, in this respect, remain subject to the operation of the laws and by-laws in virtue of which they have been imposed and are exigible.

Application  
of previous  
article limited  
to the future.

## TITLE XVII.

### EXPROPRIATIONS.

**587.** The council may receive by gift, acquire or appropriate the land required for the works ordered by it, within the limits of its powers, especially for the opening, widening or straightening of streets or specified portions of streets, public squares, parks, drains, sewers, the construction of buildings for the use of the town, for all purposes connected with supplying the town with water, of all water-works and dependencies and accessories, including the removal or changing of the present water-works, if necessary, subject to the provisions of the act governing the water-works of the town of Saint John's, 40 Victoria, chapter 68, and for all purposes connected with the lighting of the town and with all gas-works or electric apparatus, their dependencies and accessories.

Power of  
council to  
receive, &c.,  
expropriate  
property for  
opening  
streets, etc.

**588.** The council cannot, without the consent of the owner, expropriate the properties following :

Certain pro-  
perty that  
cannot be  
expropriated  
except by  
consent.

1. Property belonging to Her Majesty, or held in trust for her use ;

2. Property occupied by the Federal or Provincial Government ;

3. Property possessed or occupied by railway companies, and used for the working of their lines of railway, *fabriques*, or religious, charitable or educational institutions or corporations ;

4. Cemeteries, bishops' palaces, parsonages and their dependencies.

**589.** In all cases where a lot of land required for municipal purposes shall form part of the government property occupied by tenants, the indemnity to be paid to the tenant, if any there be, shall be determined and fixed by the assessors unless it be settled by mutual agreement.

Indemnity  
payable to  
tenants of  
government  
property ex-  
propriated  
how fixed.

**590.** The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the council and the owner, if of age and in possession of his civil rights ; and it may also be agreed that no indemnity be allowed to the expropriated owner.

Indemnity for  
land expro-  
priated by  
agreement.

Arbitration in  
default of  
agreement.

**591.** In the absence of an understanding between the parties, or if the owner is a minor or has not the exercise of his civil rights, the value of the land in question, together with whatever goes in compensation against the value of such land, shall be estimated by arbitrators, named as follows: one by the council, one by the owner, or on his behalf, and a third by the two former, or, if they cannot agree, on demand of any of the interested parties, by a judge of the Superior Court.

If owner is a  
minor, etc.

If the owner is a minor or has not the enjoyment of his civil rights and if he has no legal representative, a judge of the Superior Court shall appoint an arbitrator for him.

Proceedings  
by and before  
arbitrators.

**592.** The arbitrators proceed at the time and place fixed by them, and of which they shall have given at least ten days' special notice to the parties interested.

The arbitrators, after having examined and valued the land and heard the parties and their witnesses, under oath administered by one of them, if they deem it expedient, give their decision by means of a certificate signed by them or by the majority of them, and which they deposit in the office of the council.

Decision final.

Such decision is final and without appeal.

What to be  
mentioned in  
decision of  
arbitrators.

**593.** In every decision rendered by them, the arbitrators mention the lot whereof the land taken forms part, the name of the owner of such land, and also the by-law or order of the council under which such land is taken, and fix the amount of the indemnity, if they grant one, and if they do not, a statement to that effect is entered in such decision establishing the refusal thereof.

When corpo-  
ration may  
take posses-  
sion of land.

**594.** On payment or lawful tender of the amount of the indemnity agreed upon or accorded, or on the deposit thereof as hereinafter provided, the council shall be entitled to take possession of the land.

If taking pos-  
session.  
resisted.

If such taking possession is resisted or opposed by any person, any judge of the Superior Court, on proof of the decision of the arbitrators, and of the payment or tender or deposit, as the case may be, may issue his writ addressed to any bailiff or to the sheriff, in order to have the corporation placed in possession of such lot and to cause all resistance or opposition to cease; all which the bailiff or sheriff shall accomplish, providing himself to that end with the assistance required.

Deposit of  
amount in  
court in cer-  
tain cases.

**595.** If the expropriated owner is unknown, or if the council, through apprehension of future claims or through other motives, deems it advisable so to act, the amount of the indemnity, together with six months interest thereon,

shall be deposited in the office of the prothonotary of the district of Iberville, together with a copy of the deed of agreement or of the decision of the arbitrators.

Proceedings shall be taken for the ratification of such deed or decision, by following the same procedure and with the same effect, as in ordinary applications for confirmation of title. Procedure to be followed thereafter.

## TITLE XVIII.

### ANNULLING OF BY-LAWS AND OTHER ORDINANCES.

**596.** Any municipal elector may, in his own name by a petition presented to the Superior Court for the district of Iberville or to a judge of such court, ask for the annulling, on account of illegality, of any by-law, resolution, roll or other ordinance of the council or of any part thereof. Who may petition to annul by-laws, etc.

**597.** The petition must set forth, in a clear and precise manner, the reasons in support thereof and be accompanied by a certified copy of the by-law, roll, resolution or other ordinance complained of, if such copy could be obtained. Contents of petition. Copy of by-law attached to be annexed. If copy cannot be had.  
If the copy could not be obtained, the court or judge on application and on the tender and deposit of the approximate cost of such copy, orders the production thereof by the secretary-treasurer, who is for that purpose considered an officer of the court.

**598.** The petition is served at the office of the council at least eight days before being presented to the court or judge. Serving of petition.

**599.** The petitioner must give security for costs before the service of the petition, otherwise the latter cannot be received by the court. Security for costs.

**600.** The security required by the preceding article is given before the prothonotary. Before whom given.

**601.** The sureties must be proprietors of real estate of a total value of two hundred dollars over and above all encumbrances. Sufficiency of sureties.

One surety is sufficient if he owns real property to the amount required. One suffices.

**602.** The petition is presented in open court or to a judge in chambers, accompanied by the returns and services which precede it. Presentation of petition.

If it is to be presented in chambers and the judge is absent, it is filed in the prothonotary's office.

Proceedings  
summary.

**603.** The court or judge proceeds in a summary manner to hear and decide the contestation.

Evidence how  
taken.

The evidence of the witnesses is taken orally or in writing, in whole or in part, as the court may order.

Costs.

**604.** The court or judge may condemn either of the parties to pay the costs, which are recoverable both from the parties and from their sureties.

Execution  
for costs.

**605.** The judgment as regards costs is executory against the sureties, fifteen days after a copy thereof has been served upon them.

Power of  
judge in  
deciding.

**606.** The court may, by its judgment, annul such by-law, roll, resolution or ordinance of the council in whole or in part, order the service of the judgment at the office of the council interested, and have the same published in the form prescribed for the orders of the council or in one or more newspapers.

When by-law  
annulled  
ceases to be  
in force.

**607.** Every by-law, roll, resolution or ordinance of the council or portion thereof, so annulled, ceases to be in force from the date of the judgment.

Prescription  
for such  
proceedings.  
After delay  
by-laws can  
not be  
annulled.

**608.** Every application for annulment is subject to the three months' prescription mentioned in article 11.

After the delay required for prescription, the by-laws, rolls, resolutions and other ordinances can no longer be annulled, either by a direct action nor an incidental or other proceeding, unless they relate to objects beyond the powers of the council.

## TITLE XIX.

### RECOVERY OF FINES.

#### SECTION I.

##### GENERAL PROVISIONS.

Fines before  
what court  
recoverable.

**609.** The fines imposed by the provisions of this act or by the by-laws of the council are recoverable before the Superior or the Circuit Court of the district of Iberville, according to the amount claimed, or before a magistrate, the mayor or a justice of the peace of the town, whatever may be the amount claimed.

Who may sue  
to recover  
fines.  
If suit dis-  
missed, costs to  
be paid under  
penalty of  
fine.

**610.** Any person of the full age of majority, residing in the town, may bring an action for the recovery of a fine; but if the action of such plaintiff or complainant is dismissed with costs he is bound to pay such costs under

penalty of imprisonment as if he had himself been condemned to pay the fine claimed.

**611.** Suits may be taken by the mayor or secretary-treasurer in the name of the corporation of the town, without its being necessary to obtain an authorization to that effect from the council. Suits in name of corporation.

**612.** All penalties incurred by the same person may be included in the same suit. All penalties incurred by one person to be included in suit.

**613.** Every suit for the purpose of recovering such penalties is prescribed by three months. Prescription of suits for fines.

**614.** Any such suit may be decided on the oath of one credible witness. One witness to suffice.

**615.** Penalties recovered in virtue of by-laws of the council or of the provisions of this act shall belong to the corporation, except in those cases provided for in article 273. Penalties to belong to corporation. Exception.  
If the penalty is due by the corporation, it shall belong wholly to the prosecutor. If penalty due by corporation.

**616.** Before the decision of the court and even before a suit, the secretary-treasurer may accept payment of the maximum amount of any fine imposed by this act or the by-laws, with the costs of suit. Fines may be paid before suit &c.

## SECTION II.

### PROSECUTIONS BEFORE JUSTICES OF THE PEACE.

#### § 1.—*Procedure.*

**617.** In default of special provisions to the contrary, prosecutions before the magistrates, the mayor or a justice of the peace are heard and decided according to the ordinary rules of procedure, respecting summary orders and convictions, contained in chapter 178 of the Revised Statutes of Canada, in so far as they are not inconsistent with the provisions of this act. R. S. C., c. 178, to govern prosecutions before magistrates, etc.

**618.** Such suits need not be begun by the deposition or information on oath of the plaintiff or complainant, provided always that the purport of the complaint or demand shall be sufficiently set forth in the writ or in a declaration annexed thereto and signed by the party or by his attorney. Deposition not required to institute prosecution.

**619.** The delay on summons is at least two juridical days between the day of the service and that of the return. Delay upon summons.

Power of justice who issued summons.

**620.** On the day of the return of the summons or warrant, the justice of the peace who has signed the summons or warrant has the right to sit alone to hear and decide the case.

He may, however, require the assistance of any other justice of the peace having jurisdiction in the district.

Returns to be under oath of office.

**621.** The returns of service are made by a bailiff or a constable under his oath of office.

Certain allegations not necessary.

**622.** In any complaint or prosecution brought before the magistrate, mayor or justice of the peace, it shall not be necessary to specify or recite the provisions of law or the by-law under which such suit, prosecution or complaint shall be brought; but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf made.

Verbal complaint sufficient in certain cases.

**623.** In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the town for an offence against the provisions of this act, or of any by-law, it shall not be necessary that the complaint be reduced to writing, but a verbal complaint, under oath made before the court or judge by the constable who shall have arrested such person, shall be deemed a sufficient complaint.

If accused requires it, complaint to be reduced to writing.

**624.** If such person demand that the complaint be reduced to writing, the court shall direct the clerk to reduce the said complaint to writing.

Police, &c., may bring offenders before the court for trial, &c.

**625.** The police of the town, or any other peace officer or constable, may bring before the court any person offending as aforesaid, against the provisions of this act or of the by-laws, and any vagrant, loose, idle, or disorderly person, and any person arrested, as aforesaid, to be then and there dealt with according to law as the court or judge may determine.

Warrant may be issued upon certain affidavits in lieu of summons.

**626.** Upon the sworn declaration of the complainant or plaintiff that there is every reason to believe that the defendant will not submit to the jurisdiction of the court or judge, and that he will not appear upon a simple writ of summons, and that the judgment or sentence cannot be executed against such defendant, the judge may issue, instead of the summons, a warrant of arrest to apprehend such defendant and bring him before him.

Bail may be given.

The person is entitled to be released upon giving security.

Persons failing to appear.

**627.** When a person summoned to appear before the court, for having committed an offence as aforesaid, and

does not appear, either in person or by attorney, after proof of the service of the summons, proceedings by default are taken against such person, and, upon proof adduced by the plaintiff of the allegations of the complaint, the court pronounces such judgment as it deems proper and also decides as to the costs.

**628.** The court may use its discretion in granting or refusing the costs or ordering each party to pay his own costs. Costs discretionary.

**629.** In any action, proceeding or complaint by the corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed. Compliance with formalities respecting by-laws need not be alleged.

The fact that such formalities have been observed shall be presumed, until proof to the contrary be shown. To be presumed.

**630.** The clerk shall enter daily, and in a succinct manner, in a register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court. Entries to be made by clerk in register.

**631.** It is not necessary for the clerk of the said court to enregister at full length the proceedings, judgments and convictions of the said court. Proceedings &c., not to be entered at length.

A roll only of the said judgments and one of convictions shall be duly kept by him, wherein shall be set forth the nature of the offence, the penalty and the date of conviction. Roll sufficient.

The notes of proceedings, noted in the margin of the original summons or plaint, are sufficient to all intents and purposes; but, on application of the defendant, the proceedings shall be registered at length. Notes of proceedings on original summons sufficient.

**632.** Every summons, order, writ, or warrant of any nature whatsoever, issued out of, or by the said court, is in the name of Her Majesty, Her Heirs or successors, and they shall be signed by the mayor or a justice of the peace. Writs &c be in Her Majesty's name.

**633.** The council may determine the place where the magistrate's court or the court of justices of the peace may sit. Where magistrate's court to sit.

**634.** In the case of the following article, the revenues of the said court revert to the municipal treasury. Application of revenues of court.

**635.** When the council determines the place where the court is to sit, it appoints as clerk of such court either the secretary-treasurer or another competent person. Appointment etc., of clerk.

Such officer is removable at will.

Deputy clerk. **636.** The clerk shall appoint a competent person, whom he may remove and replace at will, as deputy clerk to assist him in the performance of his duties.

Salary of clerk and deputy. **637.** The council determines the salary of the clerk and of his deputy.

Powers and duties of deputy clerk. **638.** In the performance of his duties, the deputy clerk performs the duties imposed by this act upon the clerk, and is vested with the same powers as the latter.

Clerk, etc., to prepare papers, etc. **639.** The clerk of the court prepares and draws up all summons, orders, writs or warrants issued by the court.

Clerk to represent the corporation, etc. **640.** When the action is brought by the corporation, he represents the latter and conducts its proceedings, unless the corporation allows him counsel or appoints an attorney.

Oath of office of clerk, etc. **641.** The clerk and deputy clerk shall take an oath of office before the mayor or a justice of the peace ; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk.

Deputy clerk to act in case of death of clerk. **642.** In the event of the death of the clerk, the deputy clerk shall continue to act, until another clerk is appointed by the council.

## § 2.—Judgments and their execution

When judgment is executory. **643.** The judgment of the court or judge is executory as soon as it is rendered, unless the party condemned gives good and sufficient security, to the satisfaction of the court and judge, for the payment, within fifteen days from the date of the judgment, of the amount ordered by the judgment, with costs ; in which case execution of the judgment is suspended during the said period of fifteen days.

Justification of solvency of surety. **644.** The surety must justify his solvency, under oath, to the amount of the judgment and costs.

Distress in default of payment. **645.** In default of payment within such delay of fifteen days, the party in whose favour the judgment has been rendered may apply for a distress warrant both against the party condemned and against his surety.

Issue thereof and to whom addressed. **646.** The said distress warrant is granted to him upon a *fiat* to that effect, and is addressed to a bailiff or constable and executed in the usual manner.

**647.** The party in whose favour judgment has been rendered may apply in the first place for a warrant of arrest. Arrest in first instance.

However, if a distress warrant has issued, the warrant of arrest can be obtained only upon a return of *nulla bona*, or a return of the non-execution of the warrant of distress. If distress issued.

The warrant of arrest is issued, notwithstanding the fact that the party condemned or his surety has paid a portion of the amount of the judgment in money. Payment on account not to prevent warrant of arrest.

**648.** When security has not been given and in default of payment by the party condemned, the party in whose favour judgment was rendered may apply, either for a warrant of distress or a warrant of arrest. Option for distress or warrant of arrest.

Such application must be made in writing. Application to be in writing.

**649.** Every warrant of distress or of arrest is issued either by the court or judge who rendered judgment or by any other magistrate. Who issues warrants.

**650.** The party condemned and imprisoned may, at any time, obtain his release by paying the amount of the judgment and costs. Release upon payment.

**651.** The imprisonment ordered in virtue of this act or of any by-law is effected in the common gaol of the district of Iberville. Where persons to be imprisoned.

The sheriff, the keeper of the town gaol and the gaoler of the district of Iberville are bound to receive, and hold in safe-keeping until duly discharged, any person sentenced to imprisonment in virtue of this act or of the by-laws of the council, and also any person placed in their custody by the council, by one of its members or officers authorized either by the presiding officer or deputy-presiding-officer at a municipal election. Sheriff etc., bound to receive and keep prisoners.

**652.** The provisions contained in this sub-section (articles 364 to 651 inclusively) apply to the execution of judgments rendered by the Superior Court or Circuit Court in accordance with the provisions of this title. Application of sub-section to certain judgments.

### SECTION III.

#### APPEALS TO THE SUPERIOR COURT.

**653.** An appeal lies to the Superior Court of the district of Iberville from any judgment or sentence rendered by the magistrate, the mayor or a justice of the peace in suits brought under the provisions of this act or of the by-laws of the town. Appeal to Superior Court.

Security to be  
given and  
when.

**654.** Within ten days from the rendering of the judgment, the appellant must give, before the prothonotary, good and sufficient security to prosecute such appeal, to pay the amount of the judgment and costs incurred both before the lower court and in appeal, in the event of the judgment or sentence being confirmed.

Town not obli-  
ged to give  
security.

**655.** However, the corporation of the town of St. Johns is not obliged to give security in order to exercise the right of appeal.

Justification  
by sureties of  
solvency.

**656.** The sureties shall establish their solvency to the satisfaction of the prothonotary, for the required amount, as regards the sum mentioned in the judgment and the costs incurred and to be incurred.

One sufficient.

One surety is sufficient.

Security  
before pro-  
thonotary  
replaces that  
before court  
below.

**657.** The security given before the prothonotary, according to the provisions of article 654, replaces the security given before the lower court, and the sureties before the latter court are discharged.

How appeal  
to be taken.

**658.** The appeal is taken by a petition in which are set forth, in a summary manner, the title of the case, the date of the judgment, the security given, the reasons of appeal and the conclusions that the judgment be set aside and that the judgment be rendered which should have been rendered.

Notice to  
accompany.

The petition is accompanied by a notice stating the day on which it will be presented to the court or judge.

Service of  
copy.

**659.** A copy of the petition certified by the appellant's attorney, with a notice of the day when it will be presented, must be served within fifteen days from the rendering of the judgment upon the respondent or his attorney and upon the mayor, magistrate or justice of the peace who has rendered the judgment, or upon their clerk.

Record to be  
transmitted  
to prothono-  
tary.

**660.** In the interval between the day of service and that on which the petition in appeal is presented, the mayor, magistrate or justice of the peace transmits the record to the prothonotary, with a certificate that the documents transmitted are all the papers, documents and evidence connected with the case.

Execution ac.,  
suspended in  
certain event.

**661.** When the required security is given and the petition in appeal served within the required delays, the execution of the judgment or sentence is suspended until the decision of the Superior Court or judge.

**662.** When a warrant of distress is issued, the proceedings are suspended, and if the party condemned has been imprisoned, he may apply for his temporary release by a summary petition addressed to a judge of the Superior Court, accompanied by a copy of the sentence and warrant of imprisonment, and upon production before the judge of a copy of the security or bail bond and the petition in appeal with a return of service.

If distress issued or party arrested, proceedings suspended after security given, etc.

**663.** The petition in appeal is presented to the Superior Court in open court or to a judge of such court in chambers within thirty days from the rendering of the judgment under penalty of non-suit.

Presentation of petition.

If the petition is to be presented in chambers and the judge is absent, it is filed in the office of the prothonotary.

The appellant then files the return by the bailiff of the necessary services.

Returns of services to be filed.

**664.** The petition in appeal is heard and decided in a summary manner; no new witnesses can be heard.

Petition, etc., heard summarily.

**665.** The judgment is set aside only in case a real injustice has been committed and not for an unimportant variance or informality.

Judgment is set aside only if real injustice has been committed and not for informality.

If objections be raised which do not affect the merits of the question, the court or judge may have amendments made to the proceedings, which are afterwards executed as if they had been regular from the outset.

**666.** Immediately after the judgment is rendered, the record of the case is transmitted, with a copy of the judgment in appeal and certificate of the costs allowed, to the court below, under the authority whereof all the costs, even those incurred in appeal, are levied.

Transmission of record to court below after judgment.

**667.** Every appellant, who neglects to have the service made as required by article 659 or who, having done so, neglects to follow up his appeal in an effective manner, is deemed to have abandoned such appeal, and the court or judge, on the application of the respondent, declares all the rights and claims founded on such appeal, forfeited with costs in favor of the respondent, and, if necessary, orders the record to be transmitted to the court below.

Abandonment of appeal.

**668.** The sureties are bound to execute the judgment under penalty of seizure in the same manner as their principal, fifteen days after service of the judgment.

Judgment binding upon sureties.

**669.** There is no appeal under the provisions of this act from a judgment rendered by a judge of the Superior Court concerning municipal matters.

No appeal from the judgment.

No *certiorari*.

**670.** No judgment, decision or conviction, susceptible of appeal under this act, can be set aside by *certiorari* in the Superior or Circuit Court.

## TITLE XX.

### EXECUTION OF JUDGMENTS AGAINST THE CORPORATION.

Payment by secretary-treasurer of amount of judgment served upon council.

**671.** Whenever a copy of a judgment, condemning the corporation to pay a sum of money, has been served at the office of the council, the secretary-treasurer shall forthwith pay the amount thereof out of the funds at his disposal, on the authorization of the council or of the mayor, according to the rules laid down in articles 98 and 99.

Council to order special assessment, if no funds.

**672.** If there be no funds, or if those at the disposal of the secretary-treasurer be not sufficient, the council shall, immediately after the service of the judgment of the court, order the secretary-treasurer, by resolution, to levy on the taxable property of the municipality, a sum sufficient to pay the amount due with interest and costs.

Delay to be granted council for such purpose.

**673.** The court which rendered the judgment may, on petition to that end presented either in term or in vacation, grant, from time to time, to the council any delay which it deems necessary to levy the amount of moneys required.

If judgment not satisfied within certain time, writ of execution may issue against corporation.

**674.** If the judgment has not been satisfied within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered, may, on producing the return of the service of such judgment at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the corporation, returnable before the same court, so soon as the amount of the judgment and costs has been levied.

Attestation, signature and address of writ and what it enjoins.

**675.** Such writ is attested and signed by the clerk or prothonotary, sealed with the seal of the court, and addressed to the sheriff of the district of Iberville, enjoining him among other things :

1. To levy from the corporation, with all possible despatch, the amount of the debt, with interest and costs of the judgment as well as of the execution ;

3. In default of immediate payment by the corporation :

To apportion the sums to be levied on all the taxable property in the city, in proportion to its value, as it appears by the valuation roll, with the same powers and under the same obligations and penalties as the council

and the secretary-treasurer, to whom he is lawfully substituted for the levying of such money ;

3. To prepare without delay a special collection roll ;

4. To publish such special roll in the town by notice published in the newspapers ;

5. To exact and levy the amounts entered on the special collection roll, in the manner and within the delays prescribed by article 514 and following ;

6. In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their moveable property, in the manner prescribed by articles 514 and following ; to sell the real estate liable for such amounts, in default of their payment in the same manner and with the same effect as if he were acting under a writ *de terris* issued by the Superior Court of the district of Iberville ;

7. To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest and costs has been collected, or, from time to time, as the court may order.

**676.** The sheriff is bound to execute without delay, either, personally or by his officers, all the injunctions of such writ or of any other order subsequently issued by the court. Sheriff bound to obey writ.

**677.** The sheriff has free access to the registers, valuation rolls, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of the town under the same penalties as if such services were required by the council itself. Powers of sheriff under writ.

**678.** He takes possession of the valuation rolls and other documents which are necessary to him for the execution of the judgment and orders of the court. Takes possession of valuation rolls, etc.

On the refusal or neglect of the council or of the municipal officers to deliver up such documents, he is authorized to take possession thereof.

**679.** If it be impossible for the seizing officer to obtain the valuation rolls, which should serve as a basis for the collection of the moneys, or if there be no such valuation rolls, the sheriff shall, without delay, proceed to make a valuation of the taxable property ; and he is authorized to base the special roll for the collection of the moneys to be levied on such valuation, as if it were the valuation roll in force. Valuation roll may be made by sheriff in certain cases.

The costs incurred in making such valuation, as taxed by the court from which the writ issued, form part of the Costs to form part of costs of execution.

costs of execution and are recoverable from the corporation.

Fees, etc.,  
of sheriff.

**680.** The fees, costs and disbursements of the sheriff are taxed in the discretion of the judge of the court from which the writ of execution issued.

Sheriff to  
return certain  
papers to  
council.

**681.** The sheriff transmits to the office of the council a copy of his special collection roll, and any other roll or document whereof he has taken possession, after having levied the whole amount set forth in the writ of execution, together with interest and costs.

Arrears due  
under sheriff's  
roll to belong  
to corpora-  
tion.

**682.** The arrears due, in virtue of the sheriff's special collection roll, belong to the corporation, and may be recovered by such corporation in the same manner as any other municipal tax.

Surplus in  
hands of  
sheriff also.

If any surplus remain in the hands of the sheriff, it shall belong to such corporation.

Orders that  
sheriff may  
obtain.

**683.** The sheriff may obtain from the court any order calculated to facilitate and ensure the complete execution of the writ addressed to him.

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## SCHEDULE.

### FORM A.

I, A. B., solemnly swear that I will faithfully perform the duties of (*mention the office or employment*) to the best of my judgment and ability. So help me God.



## C A P. L X X I I.

An Act to amend and consolidate the acts of incorporation of the town of Terrebonne.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS the corporation of the town of Terrebonne has, by its petition, represented that it is desirable to amend and consolidate the act incorporating it as a town (23 Vict., chap. 76) and the acts amending the same (36 Vict. chap. 56 and 51-52 Victoria, chap. 84);

Whereas the said corporation has prayed for the passing of an act to amend and consolidate the said acts and to grant it further powers;

Whereas it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## PRELIMINARY TITLE.

## MISCELLANEOUS PROVISIONS.

## SECTION I.

## DECLARATORY AND INTERPRETATIVE PROVISIONS.

23 V., c. 76;  
36 Vict., c. 56  
and 51-52 V.,  
c. 84, repealed.

**1.** The acts 23 Vict., chap. 76; 36 Vict., chap. 56, and 51-52 Vict., chap. 84, are repealed.

Certain provisions of R. S. Q., Title XI, c. 1, not to apply.

**2.** The provision of the town corporations' general clauses' act, as contained in the first chapter of the eleventh title of the Revised Statutes of the Province of Quebec, incompatible with the provisions of the act, shall not apply to the corporation hereby constituted.

Interpretation.

**3.** Unless there be a declaration to the contrary, either express or resulting from the context of the provisions, the following expressions, terms and words have the meaning, sense and application which are respectively assigned to them in this article:

" Council ; "

**1.** The word " council " shall mean the council of the corporation of the town of Terrebonne;

" Corpora-  
tion ; "

**2.** The word " corporation " shall mean the corporation of the said town;

" Town ; "

**3.** The word " town " shall mean the town of Terrebonne or the corporation or the council of the corporation of the town of Terrebonne, as the case may be;

" Mayor ; "

**4.** The word " mayor " shall mean the mayor of the said town, or his authorized representative;

" Councillor ; "

**5.** The word " councillor " shall mean a councillor of the said town;

6. The words "members" or "members of the council" shall mean the members of the council of the said town ;

7. The words "secretary-treasurer" and "assistant-secretary-treasurer," shall mean the secretary-treasurer and assistant-secretary-treasurer, of the said town ;

8. The word "rate-payer" shall mean any person who has to pay to the corporation any assessment or tax of any kind whatsoever, as well as the rates for water and lighting ;

9. The word "persons" shall comprise individuals, companies, associations, commercial firms or corporations ;

10. The word "elector" shall mean any municipal elector of the said town, who is qualified to vote, at the time he exercises his right as an elector ;

11. The expression "electors who are proprietors" shall mean those who are entered on the valuation roll of the town, in force at the time they exercise their right as electors, and who are at the same time proprietors in possession, in virtue of *bonâ fide* titles ;

12. The expression "municipal dues" shall mean all taxes, whether general or special, in posts, dues, assessments, apportionments, licenses, special assessments, rates or compensation for water and lighting, fines or penalties ;

13. The word "contract" shall not apply to the lease of stalls nor to the lease, sale or purchase of land, nor to loans of money nor to any agreement in connection therewith ;

14. The words "assessors" and "valuators" are synonymous ;

15. The words "valuation roll" and "assessment roll" are synonymous ;

16. The words "police officers" and "constables" are synonymous ;

17. The words "bonds" and "debentures" are synonymous and mean the bonds which the council are empowered to issue.

18. The French expressions "*adjoint*," "*maire suppléant*," and "*pro-maire*" are synonymous and mean the pro-mayor.

19. The word "district" shall mean the district in which the town of Terrebonne is or shall be situated.

4. Unless the contrary be indicated, every reference to an article refers to an article of this act.

5. Unnecessary allegations and expressions, introduced into the municipal acts of the council, or of its officers or employees, do not affect the validity thereof, if when they are set aside as superfluous, the remainder of the provision conveys the meaning required.

Acts not to be null on account of certain errors only.

**6.** No act connected with municipal affairs, performed by the council, its officers or any other person, shall be null or void solely on account of error or insufficiency in the designation of the corporation of the town or of this act, or in the designation of the qualities of such officers or person, nor even on account of the omission of the designation of such person, provided no surprise or injustice result therefrom.

Objections to the form.

**7.** No objection founded upon form or upon the omission of any formality, even imperative, shall be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless the formality omitted be such, that its omission, according to the provisions of this act, would render null the proceedings or other municipal acts requiring such formality.

If day upon which any thing ought to be done is a non-judicial day.

**8.** If the day fixed upon for the execution, performance of any duty prescribed, or proceedings, the holding of any meeting, poll, sale, deliberations or other things whatsoever be a non judicial day they shall *pleno jure* be postponed or adjourned to the following judicial day.

Oath before whom to be taken.

**9.** Any oath required by the provisions of this act may be taken before the mayor, a judge, the secretary-treasurer or any justice of the peace.

Persons bound to administer and deliver certificate thereof.

**10.** The person, before whom an oath may be taken shall, whenever called upon to do so, administer the oath and deliver a certificate thereof to the party taking the same, without charge.

Certain persons competent witnesses in suits affecting town.

**11.** All citizens, electors, rate-payers, and constables of the town, and all members or officers of the council, shall be competent witnesses in suits wherein the rights of the said town are affected, if they be not otherwise incapable to act as witnesses.

Penalty on members of council and officers for not performing duties.

**12.** Every member of the council, and every officer appointed by such council, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this act, shall incur a penalty not exceeding twenty dollars and not less than four dollars, save in such cases as may otherwise be provided for.

## SECTION II.

### TEMPORARY PROVISIONS.

Corporation under act to replace old corporation.

**13.** The council, as hereby incorporated, is substituted for all purposes whatsoever for the aforesaid corporation

called the " mayor and the councillors of the town of Terrebonne " and succeeds to all its rights, powers, privileges, debts and obligations.

It is vested with all the powers, rights and privileges conferred by the acts hereby repealed by article one, and shall be bound to perform all the duties imposed by the same acts. Powers with which it is vested.

**14.** The mayor and councillors of the town of Terrebonne shall remain in office until their respective terms of office expire. How long mayor and councillors shall remain in office.

**15.** The present municipal officers and employees of the town shall remain in office until they are removed or replaced by the council. Present municipal officers continued in office.

**16.** All *procès-verbaux* governing water-courses and streets, assessment rolls, statement of due-, by-laws, orders, lists, rolls, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the mayor and councillors of the town of Terrebonne or their predecessors, shall continue to have effect, until they are cancelled, amended, set aside or accomplished. Existing *procès-verbaux*, etc., to remain in force, etc.

**17.** All notes, bonds, debentures, obligations and engagements whatsoever, signed, endorsed, accepted, issued or contracted by the council of the town, up to the coming into force of this act, shall have all their legal effect. Present engagements, etc., to have their legal effect.

## TITLE I.

### THE ORGANIZATION OF THE CORPORATION.

#### SECTION I.

#### INCORPORATION OF THE TOWN.

**18.** The inhabitants and ratepayers of the town of Terrebonne, and their successors, are constituted a body politic and corporate under the name of "The town of Terrebonne." Certain persons incorporated. Name.

**19.** The said corporation shall remain separate from the county of Terrebonne for municipal purposes. Corporation to be separate from county of Terrebonne.

#### SECTION II.

#### GENERAL POWERS OF THE CORPORATION.

**20.** The corporation of the said town, under its corporate name, shall have perpetual succession, and may : Corporation : Has perpetual succession ;

May sue and be sued ;	1. Sue and be sued in any cause and before any court of justice ;
Have common seal, etc ;	2. Have a common seal, which it may change or alter at will ;
Acquire real and personal property ;	3. Acquire real and personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same for the use of the town.
Enter into contracts, etc ;	4. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;
Sign, draw, etc., notes, cheques, etc.	5. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, chèques, bonds, obligations, debentures, judgment, securities or other titles whether negotiable or not, in the fulfilment of all rights and powers conferred upon it by its charter and by law, and of all the duties and obligations devolving upon it ; and in particular for the securing of loans, for the payment and settlement of amounts due by or to it under any deed, contract or agreement for the payment of grants or bonuses or for other legitimate purposes.
Council may issue promissory notes, etc.	6. The council may, by resolution, issue promissory notes, with or without interest, payable at such places, terms and conditions as the council may deem proper, for the settlement of accounts and other running expenses.
How to be signed.	Such promissory notes are signed by the mayor and secretary-treasurer.
Amount of such notes limited.	The council cannot bind itself for the payment of any amount over three thousand dollars by means of such promissory notes.

## SECTION III.

## LIMITS OF THE TOWN.—DIVISION INTO WARDS.

Limits of town.	<p><b>21.</b> The town of Terrebonne comprises all that territory forming part of the county of Terrebonne, situated within the following limits, to wit : to the south by the river Jésus, from the south extremity of the seigniorial line, between the seigniories of Terrebonne and Lachenaye, to the south extremity of the east line of the land of the representatives of Charles Daunais, senior, comprising the islands St. Jean, du Moulin, Bourdon, aux Moutons, and five small islands in front of the said town ; to the west, by the east line of the said land of the representatives of Charles Daunais, senior, from the said river Jésus to the point marked at a depth of 990 feet from the said river ; to the north by a straight line from the above mentioned point as far as the intersection of the said seigniorial line with the west line of the land Charles Terrien representing Marier at a depth of about 4554 feet from the river Jésus along the said Charles Terrien representing Marier line ; to the north-east by the said seigniorial line from the said point of intersection to the said river Jésus.</p>
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**22.** The council may, under by-law adopted by the majority of its members, divide the town into as many voting wards as it deem expedient, and fix the number of councillors to be elected for each ward, according to its population. Division into wards.

The boundaries of the wards shall be fixed by the by-law. Limits of wards.

The council may also, in the same way, alter the boundaries of the wards, and increase or diminish the number. Alteration of limits of wards.

The council may likewise by by-law provide for the manner in which the elections shall be held and decide as to whether they shall be by ballot or open vote. Manner of holding elections.

#### SECTION IV.

##### THE TOWN COUNCIL.

#### § 1.—General Clauses.

**23.** The corporation of the town is represented by its council. Corporation represented by council.

Its rights are exercised and duties performed by the said council and its officers. Rights how exercised.

**24.** The corporation office shall be at the office of the secretary-treasurer in the town hall. Corporation office.

Such office shall be open to and accessible by the public on every juridical day, from nine in the forenoon to four in the afternoon. Office hours.

**25.** The council shall consist of a mayor and six councillors. Composition of council.

**26.** The quorum of the council shall be four members. Quorum.

**27.** The council may, at the first meeting after the annual elections, or at any other meeting, appoint one of its members to perform the duties of pro-mayor and shall have the right to remove him at will. Appointment of pro-mayor, etc.

The pro-mayor performs the duties of the mayor, in the event of the absence or inability of the latter to act and during a vacancy in the office of mayor. His duties.

**28.** The mayor exercises the right of superintendence over all the officers of the council. Mayor's rights and duties.

He may suspend any one of them; and the officer or employee, so suspended, cannot be reinstated in office without the approval of the council.

He sees to the faithful execution of all municipal ordinances and by-laws.

He communicates to the council any information or suggestion which he may consider conducive to the interests of the town or of the citizens.

Signature of  
debentures,  
&c.

**29.** The mayor and secretary-treasurer sign, seal and execute, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provides otherwise.

Mayor justice  
of the peace.

**30.** While he is in office, the mayor is a justice of the peace *ex-officio* and has jurisdiction over the whole territory of the town.

Qualification.

The fact alone of his being mayor shall qualify him to act as a justice of the peace, without his having to take an oath or to comply with any of the formalities or conditions required of justices of the peace.

Summoning  
of witnesses.

**31.** Any member of the council may, upon resolution of the council or of a committee, in the name of the council or of such committee, summon any witness who is ordered to appear before the council or one of its committees, administer the oath to him and examine him.

Provisions  
applicable.

Articles 45 and 46 apply to such witness.

Members to  
take oath of  
office.

**32.** Before entering into office, the members of the council shall make oath in the following form :

Form of oath.

" I, A. B, do solemnly swear that I will well and faithfully discharge the duties of member of the council of the town of Terrebonne to the best of my judgment and ability : So help me God."

Duties, etc.,  
to be per-  
formed under  
oath of office.

They shall perform their duties and all municipal acts under such oath.

Omission to  
take oath a  
refusal of  
office.

**33.** The omission during fifteen days on the part of any member of the council to take the oath of office required by the preceding article shall constitute a refusal to accept office.

Penalty for  
illegally re-  
fusing, etc.,  
office of mayor  
or councillor.

**34.** Whosoever shall be elected mayor or councillor and illegally refuse to accept the said office or to continue to discharge the said duties shall incur a penalty of thirty dollars for the office of mayor and twenty dollars for that of councillor.

Services gra-  
tuitous.

**35.** The members of the council shall not receive any salary, profit or indemnity, in any shape whatsoever, for their services.

Members not  
to hold subor-  
dinate posi-  
tions ;

**36.** The members of the council shall be unable to hold any subordinate office under the council.

They shall not be sureties for the officers or employees of the corporation. Not to be sureties for officers, etc. ;

**37.** They shall not become sureties for the fulfilment of any obligation contracted by a third party towards the council. Not to be sureties under contracts with corporation.

**38.** No vote given by a person filling illegally the office of member of the council, and no act in which he participates in such quality, shall be set aside solely by reason of the illegal exercise of such office. Votes given by persons illegally holding office.

§ 2.—*Committees of the Council.*

**39.** The council may appoint standing or special committees, composed of as many of its members as it shall deem proper, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties. Appointment of standing and special committees.

**40.** The committees shall be formed every year at the first sitting after the annual general elections. When to be formed

**41.** The council may replace any member of the said committee, whenever it deems expedient. Replacing members of committees.

**42.** The mayor is *ex-officio* a member of every committee and may vote at any meeting thereof. Mayor member of all committees and may vote.

**43.** The committees shall render account of their labors and their decisions by reports signed by their chairmen or by a majority of the members who compose them. Reports by committees.

No report or order whatever of a committee shall have any effect, until it has been ratified or adopted by the council. To be approved by council.

**44.** The council or its committees, on every question or matter pending before them, may : Powers of council and committees :

1. Take communication of all documents or writings produced in evidence ; To examine, etc., documents ;

2. Summon any person residing in the Province, on a warrant of the mayor or of the chairman of a committee : Summon persons to attend before it ;

3. Examine under oath the parties and the witnesses produced by the parties, or any person summoned to appear as aforesaid in an inquiry into any matter of public interest within the jurisdiction of the council. Examine parties and witnesses.

**45.** No one is bound to appear as a witness before the council or its committees unless his reasonable travelling expenses for both going and coming have been tendered Certain expenses and fees to be tendered wit.

nesses when  
summoned.

or paid him, as well as compensation for loss of time, which is fixed at fifty cents for every person who does not reside more than one mile outside the limits of the town.

Default to ap-  
pear upon  
summons  
after fees ten-  
dered.

**46.** Every person, so summoned as a witness before the council or the committees who, without just cause, fails to appear at the time and place mentioned in the summons, when the expenses and compensation mentioned in the preceding article have been paid or offered to him, shall incur a penalty of not less than four or more than ten dollars, or imprisonment not to exceed fifteen days.

### § 3.—Sessions of the Council.

Power to fix  
place where  
sessions to be  
held.

**47.** The council has the right, by resolution, to determine the place, within the limits of the town, where its sessions shall be held.

Quorum.

The quorum of the council is fixed by article 26.

First meeting  
after election  
when to be  
held and how  
to be called.

**48.** The first meeting of the council after the election shall take place within the thirty days following such election, and shall be called in the manner prescribed by article 164.

Power, if ma-  
jority present,  
to act.

The members present, provided there be a majority of them, shall have power to act.

Absent mem-  
bers.

**49.** Members who have been elected and are absent without legitimate cause, shall be considered to have refused the said office and shall incur the penalty inflicted by article 34, unless they come within some of the exemptions mentioned in articles 127, 128 and 129 and have given the notices required by article 130.

Monthly  
meetings of  
council, when  
and where to  
be held.

**50.** The council shall meet at least once a month to despatch the business of the town and shall hold its sessions on the day and at the hour which it shall determine by by-law in the city hall, or any other place in the town which may be decided upon either temporarily or permanently.

If one hour  
elapses after  
hour fixed for  
meeting.

**51.** No session of the council or committees can lawfully be held if more than one hour has elapsed from the hour fixed by the by-law, or by special notice calling the meeting, to the opening of the session.

Sessions  
public.  
Exception.

**52.** All the sessions of the council shall be public, except when the council shall have to judge any of its members for any reason whatsoever, in which case it shall, at the request of the member accused or of two councillors, sit with closed doors.

**53.** The council shall also sit with closed doors, at the request of two members when it has to judge the conduct of one of its officers or employees, or when it shall have ten- ders for public works or other objects before it, and when it shall have to decide upon granting licenses for the sale of intoxicating liquors.

Sessions private when conduct of officers under consideration, and also when deciding as to licenses for sale of intoxicants.

**54.** The sessions of the council shall be presided over by the mayor, or in default of the mayor, by the pro-mayor, or in default of both, by any member chosen from the councillors present.

Who presides over the sessions.

**55.** The presiding officer shall maintain order and decorum and decide questions of order, saving an appeal to the council.

Presiding officer to maintain order, etc.

**56.** Every disputed question shall be decided by a majority of the votes of the members present.

Majority to decide.

The mayor or chairman may give his opinion, but may not vote, except in the case of an equal division of votes.

Casting vote of chairman must be given.

In the latter case the chairman shall be always bound to give the casting vote, giving his reasons therefor if he so please.

**57.** No member of the council shall take part in the discussion of or vote on any question in which he has a personal interest under this act, in case of contestation.

Members not to take part in discussion when personally interested.

The council, in case of dispute, shall decide without appeal, whether the member has or has not a personal interest in the question; and such member shall have no right to vote on the question of his interest, although he may explain why he should not be recusable.

Decision as to interest.

This article shall not apply to the formation of committees nor to the appointment of a member as chairman.

Article not to apply to formation of committees, etc.

**58.** If there be a quorum, any ordinary or special session may be adjourned by the council.

Adjournment, if a quorum.

**59.** When there is no quorum at any regular or special or adjourned meeting, any two members of the council may adjourn the session half an hour after the hour fixed for such meeting.

Adjournment, if no quorum.

The hour of adjournment and the names of the members of the council present shall be entered in the minutes of the meeting in the book of the proceedings of the council.

Entries to be made in minutes.

The secretary-treasurer shall enter also all orders given by the members present in virtue of this article.

The members who are absent from the session, and who are also absent at the time of such adjournment, may be condemned to pay the penalty fixed in the case of absentees from the meeting by at least two members present.

Fines upon absentees.

Members may be compelled by fine to the performance of their duties.

**60.** The council may, by by-law, compel the members of the council or of the committees to perform their duties, and impose penalties on them for neglect or omission in the performance of their duties.

Order of business.

**61.** The council may, by by-law, determine the order in which its business shall be proceeded with.

Maintenance of order.

**62.** The council may also pass by-laws for the maintenance of order during its sessions, and, by such by-laws impose a fine not exceeding twenty dollars, or an imprisonment not exceeding fifteen days in default of payment, for any contempt by the members or persons present at the session.

Expulsion of unruly members.

**63.** The council may give orders to expel from the council room, until the adjournment of the session, any member or other person who shall persist in his reprehensible conduct after having been called to order by the mayor or chairman.

Motions for, always in order.

All motions to that effect shall always be in order and shall be moved and decided without debate.

Penalty on such members.

The council may furthermore impose a penalty not exceeding forty dollars, upon the member thus disturbing order.

Special sessions convened by mayor.  
Special sessions convened by two members.

**64.** The mayor may, if necessary, convene special sessions of the council.

Whenever two members shall desire to have a special session, they shall apply to the mayor to have one called; and, if the mayor be absent from the town or refuse to act, they may convene it themselves by specifying, in a written document addressed to the secretary-treasurer, the object for which they convene the session, and the day and hour at which they wish to have it held.

Notices for special sessions.

**65.** Every notice of the calling of a special session of the council shall be given by the secretary-treasurer, at least forty eight hours before the time fixed for the session.

What to be considered at special sessions.

**66.** At a special session, the subjects or matters mentioned in the notice calling the council together shall alone be taken into consideration.

Before beginning proceedings what to be ascertained.

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served upon all the members.

If notices not served on all members.

If it appear that the notice of meeting has not been served on all the members, the session shall be immediately closed.

## SECTION V.

## OFFICERS OF THE COUNCIL.

§ 1.—*General provisions.*

**67.** The council may, in its discretion, appoint, dismiss and replace, all such officers, employees, constables and policemen as are necessary to carry out the laws, by-laws and ordinances, and allow them for their services such salary, remuneration and compensation as it may deem fit.

Appointment  
etc., of offi-  
cers, etc.

**68.** It may appoint town, road or other inspectors.

Inspectors.

Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless it shall be otherwise provided for.

Penalty for  
non-perfor-  
mance of  
duties.

**69.** After their appointment, and before entering into office, municipal officers or employees, constables, officers and men of the police force and other officials, shall take oath to well and faithfully perform the duties of their respective offices.

Oath of  
office to be  
taken by offi-  
cers before  
entering upon  
discharge of  
duties.

The omission during ten days to take such oath of office shall constitute a refusal to accept the office for which the oath is required.

Omission to  
take.

**70.** The council may require of all persons employed by it, in any capacity whatsoever, such security as it may deem sufficient to secure the due execution by such persons of the duties which devolve on them.

Security may  
be required.

**71.** All officers and employees of the council shall remain in office during good pleasure only.

Officers ap-  
pointed  
during plea-  
sure.

The council may remove them without any other compensation than the proportion of their salaries or appointment due at the time of their removal.

Removal of  
officers, etc.

**72.** The council may, by by-law, define the duties, not defined by this act, of its officers, employees, police officers and constables, and impose penalties or fines upon them for neglect in the performance of their duties.

Duties, etc., of  
officers to be  
defined.

**73.** The officers and employees under the council, or its duly authorized officer, may at proper hours visit and examine, within or without, any land, house and other construction in the town in order to see to the proper execution of the by-laws.

Visit of lands  
etc., by offi-  
cers.

Impeding officers.

**74.** Whosoever shall impede or prevent any officer from discharging his duties, or attempt so to do, shall be liable to a fine of twenty dollars, over and above any damages.

Majority, if more than two officers, can act.

**75.** Whenever an act or proceeding must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in special cases otherwise provided for.

Duty of officer who has ceased to discharge duties to return books etc, belonging to corporation.

**76.** Every municipal officer, elected or appointed, who has ceased to discharge the duties of his office, shall be bound to deliver, within the eight days next following, to his successor in office, if elected or appointed, or within eight days after the election or appointment of such successor, all the moneys, keys, books, papers, insignia, documents, archives and other things belonging to the council and belonging to such office.

Duties of heirs etc, of officer to return books etc, belonging to corporation.

**77.** If any municipal officer dies, or absents himself from the town, his representatives or heirs shall be bound, within one month from his death or absence, to deliver to his successor the said moneys, keys, books, papers, insignia, documents, archives and other things.

Power of successors in office to recover such books, &c., from persons above named.

**78.** In the case of the two preceding articles the successors of said officers shall be entitled, in addition to any other legal recourse whatsoever, to recover, by process of revindication from such officer or his representatives, or any other person withholding them, all such moneys, keys, books, insignia, archives or things, with costs and damages in favour of the said corporation.

Council also has like powers.

The council may exercise the same rights and obtain the same remedy against all other persons having in their possession and refusing to deliver up such things.

Coercive imprisonment may be asked for.

**79.** In the exercise of the legal rights and recourse provided for in the preceding articles, there may be taken conclusions for coercive imprisonment which may be ordered against the defendant who has been condemned.

Reports etc, by secretary, treasurer and others to council.

**80.** The secretary-treasurer and all other officers and employees of the corporation shall make, to the council or any authorized person, an accurate report in writing, and in the manner determined by the council, upon all matters connected with their respective duties, and shall render an account of the moneys collected by them and of those expended or disbursed by them for the council and under its direction, specifying the objects for which such moneys were so paid or disbursed.

**81.** The mayor, in the name of the council, may bring an action to render an account against any employee responsible for corporation moneys. Suits against persons accountable for moneys.

Such employee may be condemned to pay damages if he shall have neglected or delayed in rendering account. Damages.

If he renders account, he may be condemned to pay the amount which he acknowledges, as well as such other sums which should have been received, and for which the court shall hold him responsible, with costs. What may be ordered by judgment.

All judgments bear interest at the rate of twelve per cent to be exacted as damages. Interest.

Every such judgment shall convey with it coercive imprisonment if it has been demanded and shall not stay criminal proceedings for malversation, embezzlement or other offences. Coercive imprisonment.

**82.** The mayor or justice of the peace may, by a special written order, signed by him, authorize any person charged with the execution in the town of a writ of seizure, arrest, summons or sale in municipal matters, either civil or criminal, to open the doors of the houses or buildings which he may find closed, or the entry whereof is refused him, and may also, in virtue of the same order, require the assistance of all such other persons as he may deem expedient; and the costs incurred upon such proceedings shall be levied in virtue of the same warrant. Mayor, etc. may order opening of doors closed against execution, etc.

**83.** Whosoever refuses to allow any persons appointed to effect the seizure or sale of moveable property or effects contained in a house, to enter therein is guilty of resisting justice (*rebellion en justice*), and may be condemned by the mayor or any justice of the peace, to pay a penalty not to exceed five dollars and in default of payment to an imprisonment which shall not exceed fifteen days. Persons refusing entry to officers to effect seizure.

§ 2.—*The secretary-treasurer.*

**84.** The council shall always have an officer as keeper of its office and archives. Keeper of archives.

Such officer shall be styled the "secretary-treasurer." His name.

**85.** The present secretary-treasurer shall continue to discharge his duties until replaced. Present secretary-treasurer to continue in office.

**86.** The council shall appoint the secretary-treasurer at its first general meeting or at a special meeting held within the fifteen days following such general meeting. When secretary-treasurer to be appointed.

**87.** The secretary-treasurer shall be the keeper of all the books, valuation rolls, collection rolls, procès-verbaux, registers, plans, maps, archives and other documents and Secretary-treasurer is guardian of books, etc.

papers, the property of the council, or produced filed and preserved, in the office of the council.

To deliver  
copy, etc., of  
books.

**88.** He shall deliver to any person applying for the same copies or extracts from any book, roll, register, document or other paper which forms part of the archives.

Copies au-  
thentic.

Such copies or extracts, when certified by the secretary-treasurer, shall be authentic.

Fees for  
copies, etc.

**89.** Until otherwise ordered by a resolution of the council, the secretary-treasurer may exact for these copies or extracts ten cents per hundred words.

Certain copies  
to be deliver-  
ed *gratis*.

However, he shall be bound to deliver them gratis to the Lieutenant-Governor or the council, its officers and permanent and select committees.

Attends all  
sessions of  
council and  
draws up  
minutes etc.  
"Register of  
proceedings."

**90.** He shall attend at all sessions of the council, and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose, and called "register of proceedings."

Signature of  
minutes.

**91.** All minutes of the sittings of the council shall be approved by the council, signed by the president and countersigned by the secretary-treasurer.

Entry to be  
made when  
by-law, etc.  
amended.

**92.** Whenever a by-law or a resolution is amended or repealed, mention shall be made thereof in the margin of the register of proceedings, opposite such by-law or resolution, together with the date of the amendment or repeal.

Secretary-  
treasurer col-  
lects, etc.,  
moneys of  
corporation.  
Pays out mo-  
neys upon  
orders.

**93.** The secretary-treasurer shall collect and have charge of all moneys due or payable to the corporation.

Upon the authorization of the council he shall pay, out of such funds, all orders or drafts drawn by any person duly authorized by this act so to do, for the payment of amounts due by the corporation, or applied by the latter to some object.

What orders  
to contain.

However he can not legally pay any such order or draft unless they shall contain a clear specification of the amount, the employment to be made thereof, and the nature of the debt intended to be thereby paid.

Books of  
account.

**94.** The secretary-treasurer shall keep in due and proper form books of accounts, in which he shall enter in order of date each item of receipt and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has made any payment.

Vouchers.

He shall keep all vouchers for expenditure in his office.

Secretary-  
treasurer  
under penalty  
not :

**95.** No secretary-treasurer shall under a penalty of twenty dollars for each infraction :

1. Grant discharges to rate-payers or other persons indebted to the corporation for municipal taxes or other debts, without having actually received, in cash or in lawful value or in accepted bank cheques, the amount mentioned in such discharges ;

To grant discharges without receiving money etc ;

2. Lend, directly or indirectly, by himself or by others to ratepayers or other persons whatsoever, moneys belonging to the corporation.

To lend, etc., corporation moneys.

96. The secretary-treasurer's or treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his possession as archives of the council, shall be open to all rate-payers of the town or their attorneys, for inspection and examination during office hours.

Books, etc., of secretary treasurer open to inspection.

97. The secretary-treasurer shall render an account, duly sworn to by him, in detail of his receipts and expenditure every six months in June and December of each year, or oftener if required by the council.

Accounts when to be rendered.

98. Before entering into office, the secretary-treasurer shall take oath to well and faithfully discharge his duties.

Oath to be taken by secretary treasurer.

99. Before entering into office, the secretary-treasurer shall furnish two sureties, whose names shall have been previously approved of by resolution of the council.

Security to be given by secretary-treasurer.

100. The sureties bind themselves, jointly and severally, with the secretary-treasurer, towards the corporation, for the due performance of the duties of his office and for the payment of all moneys, for which the latter in the exercise of his office may be accountable, whether in principal interest, costs, penalties or damages.

Obligation of sureties.

101. The security is given by deed in authentic form and accepted by the mayor, to whom the secretary-treasurer shall give a copy of such deed.

How security to be given.

102. The amount of such security shall be fixed by resolution of the council, but shall not be less than two thousand dollars.

Amount how fixed.

103. At least one of the sureties shall hypothecate, by the said deed of suretyship, property belonging to him to guarantee the payment of the amount fixed for such surety.

Mortgage to be given by one of the sureties.

104. The deed of suretyship shall be enregistered by the mayor as soon as he receives the same.

Registration of deed.

It shall hypothecarily affect only the immoveables therein specially designated.

What property to be affected thereby.

Sureties may free themselves from future liability by giving notice.

**105.** By giving notice in writing of their intention to the secretary-treasurer himself and to the mayor, the sureties may, at any time free themselves from future liability under their suretyship, at the expiration of thirty days after the service of such notice.

How given.

Such notice is given and served by a notary or by the surety himself, by a writing delivered in presence of one witness who signs the same.

Other security to be furnished by secretary-treasurer.

**106.** The secretary-treasurer shall, within thirty days after the service of such notice, furnish other sureties in lieu of those who have withdrawn, in default of his so doing he shall not, under a penalty of twenty dollars for each infraction of this provision, perform any of the functions of his office.

Notice required if any surety dies, etc.

**107.** Whenever one of his sureties dies, becomes insolvent or bankrupt, or removes his domicile out of the district, the secretary-treasurer shall, so soon as he becomes aware of such fact, inform the mayor thereof, in writing, under penalty of one hundred dollars, and he shall replace such surety within the thirty days next following, and in default of his so doing, he shall not perform any of the duties of his office, under the penalties prescribed by the preceding article.

When sureties relieved may require certificate to that effect from mayor.

**108.** After they are freed from further liability under their suretyship, or after the secretary-treasurer has ceased to perform the duties of such office, the sureties of the secretary-treasurer may exact from the mayor a certificate of discharge for the future ; which certificate, after registration thereof, discharges thenceforth the immoveables hypothecated by such suretyship.

Appointment of assistant by secretary-treasurer and his duties.

**109.** The secretary-treasurer may, from time to time, under his hand appoint an " assistant-secretary-treasurer " who may perform all the duties of the office of secretary-treasurer, with the same rights, powers and privileges, and under the same obligations and penalties as the secretary-treasurer himself, except as regards giving security.

Assistant to act in case of vacancy in office of secretary-treasurer.

**110.** In the case of a vacancy in the office of the secretary-treasurer, the assistant-secretary-treasurer shall continue to perform the duties of the office until the vacancy is filled.

Removal etc., of assistant.

**111.** The assistant-secretary-treasurer may be removed or superseded at pleasure by the secretary-treasurer, under the responsibility of whom he performs his duties.

§ 3.— *Auditors.*

**112.** At the first session of the council after the annual elections or as soon as possible at the commencement of the fiscal year, the council shall appoint two auditors selected from among the rate-payers who are neither sureties of the secretary-treasurer nor members or officers of the council, and who have no contract or bargain therewith and who receive no salary Auditors when to be appointed.

**113.** Before acting the auditors shall take the following oath: Oath to be taken by them.

"I, A. B., having been appointed auditor for the town of Terrebonne, do swear to faithfully discharge my duty to the best of my ability and power. I declare that I have neither, directly or indirectly, any interest whatsoever in any contract or in any work with or under the council of the town of Terrebonne: So help me God." Form of oath.

**114.** The auditors shall examine, approve or disprove of all accounts contained in the books of the corporation or which relate to matters under the control of and within the jurisdiction of the council, and report to the latter at least fifteen days before the date of the annual elections. Duties of auditors.

§ 4.— *Valuators.*

**115.** The council may appoint three valuers whose powers, rights, duties and obligations are set forth in articles 435 and following of this act Appointment of valuers.

**116.** No one can be a valuator unless he be proprietor of immoveable property in the town of a value of at least four hundred dollars. Real estate qualification of valuers.

**117.** Before proceeding to value the properties in the town, the valuers shall take the following oath; Oath to be taken by valuers.

"I, C. D., having been appointed one of the valuers for the town of Terrebonne, do solemnly swear that I will honestly and diligently fulfil the duties of the said office, to the best of my judgment and ability: So help me God." Form of oath.

**118.** Any valuator, who shall refuse or neglect to fulfil the duties of his office, within the delay and in the manner prescribed by the council, shall be liable to a fine of twenty dollars; in such a case the council may replace such valuator. Penalty on valuers refusing, etc., to perform duties.

## TITLE II.

PERSONS QUALIFIED OR DISQUALIFIED FOR OR EXEMPT  
FROM MUNICIPAL OFFICE.

## SECTION I.

## PERSONS QUALIFIED FOR MUNICIPAL OFFICE.

Qualification  
for municipal  
office.

**119.** Every male resident of full age in the town, not declared disqualified by a provision of this act, shall be capable of discharging any municipal office therein.

## SECTION II.

## PERSONS DISQUALIFIED FOR MUNICIPAL OFFICE.

Persons dis-  
qualified for  
municipal  
office.

**120.** The following persons can not be elected mayor or councillor nor perform the duties thereof, nor be appointed to nor fill any municipal office :

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council forming part of the Cabinet and members of the Provincial Executive Council ;
4. Judges or magistrates receiving emoluments from the Federal or Local Governments ;
5. Officers on full pay of Her Majesty's Army or Navy, and the officers or men of the police force ;
6. Whosoever has no residence in the city for at least six months previous to the election ;
7. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or having, directly or indirectly, by himself or his partner, any contract with the corporation ;  
Nevertheless, a shareholder in any incorporated company, which has any contract or agreement with or which receives a bonus from the corporation, shall not be disqualified from acting as a member of the council ; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any thing affecting such company ;
8. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up owing to involuntary error or omission ;
9. Whosoever cannot read or write ;
10. Aliens ;
11. The officer presiding at any election or any person employed by the council or by such presiding officer in connection with an election ;
12. Any person convicted of treason or felony by any court of justice ;

12. Persons who are responsible for moneys belonging to the town, or who are sureties for any employee of the council.

121. No one can be elected mayor or councillor unless he be in possession as proprietor, in his own name or in that of his wife, for at least twelve months before the election, of immoveable property situate within the limits of the town, of a value of at least four hundred dollars over and above all charges and hypothecs incumbering such immoveable, the value of which shall be established by the valuation roll. Property qualification of mayor and councillors.

122. In the case of dividing the town into wards according to article 22, the immoveable upon which he bases his eligibility as councillor shall be situate within the ward for which he desires to be elected. Property qualification of councillors, if town divided into wards.

123. No person, surety for any secretary-treasurer or for any municipal employee, shall be a member of the council of which such secretary-treasurer is the officer, before he is freed from all obligations to the corporation arising from his bond as surety. Sureties of secretary-treasurer, etc. not to be members of council.

124. Whoever has been appointed to any municipal office, for which he becomes disqualified during his exercise of such office, shall give, without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation. Persons dis qualified whilst holding office bound to give notice.

Until such formality is accomplished, such person shall be deemed to have continued in the exercise of such office, and shall be liable to all penalties, prosecutions and other rights of action prescribed or authorized by this act. Penalty if notice not given.

125. If the disqualification of a person appointed to a municipal office is notorious or sufficiently established, the council may, by resolution, declare the office of such person vacant, saving any recourse on the part of the person appointed. If disqualification notorious.

The vacancy shall then be filled in the ordinary manner, and within the prescribed delay. How vacancies filled.

126. A councillor cannot be nominated as mayor, unless he has previously tendered his resignation as councillor. Councillor to resign before being nominated as mayor.

#### SECTION III.

##### PERSONS EXEMPT FROM MUNICIPAL OFFICE.

127. The following persons may be exempted from any municipal office : Persons who may become exempt from municipal offices.

1. Members of the Senate, of the House of Commons, of the Executive Council, and of the Provincial Legislature ;

2. All civil functionaries, the employees of the Federal Parliament and of the Provincial Legislature, and militia officers ;

3. Teachers, while engaged in their profession ;

4. Licensed pilots, persons engaged in navigation, and all millers who are employed in the mill alone ;

5. Persons of over sixty years of age ;

6. Gaolers and keepers of houses of confinement, of correction, or reformatory schools ;

7. All persons employed on railways or turnpike roads.

Persons already holding office.

**128.** No person, already holding a municipal office, shall, when holding such office, be bound to accept any other municipal office at the same time.

Persons who have paid fine for refusing office, etc.

**129.** Any person, who has paid the fine for refusing to accept a municipal office, shall be exempt from accepting any other municipal office during the time for which he had been elected or appointed.

How exemption is to be taken advantage of.

**130.** Any person, who shall be appointed to a municipal office from which he is exempt shall, in order to avail himself of such exemption, serve upon the secretary-treasurer a special notice to that effect within the eight days following the notification of his election or appointment or the day when he shall become exempt from filling such office if he already has one.

Default of not doing so.

In default of his so doing he may no longer claim his exemption.

### TITLE III.

#### OF MUNICIPAL NOTICES.

Notices how to be drawn and published etc.

**131.** Every notice, given under the provisions of this act, or under the orders of the council or for municipal purposes, shall be drawn up and published or served in accordance with the formalities prescribed in the following articles.

Notices either public or special. Public notices are published, special, served.

**132.** Every notice is either special or public, and shall be given in writing or be printed.

Public notices shall be published ; special notices shall be served.

Copies to be certified.

**133.** Every copy of a notice, which must be served published or posted up, shall be certified either by the person who gives such notice or by the secretary-treasurer.

**134.** The original of every notice shall be accompanied by a certificate of publication or of service made by the person publishing or serving the same

Original to be accompanied with certificate of publication etc. To be filed by person giving same.

The original of such notice, and the certificate which accompanies it, shall be filed by the person who has given the notice in the office of the council to form part of the municipal records.

**135.** Except in the case where the service is made by mail, under article 137, the service of a special notice shall be effected by leaving a copy of the notice with the individual to whom it is addressed in person or with a reasonable person at his domicile, or at his place of business even when occupied by him in partnership with some other person during business hours.

How special notices to be served

**136.** Every owner of land or rate payer domiciled without the limits of the town may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

Appointment of agent by absentee.

Such agent, however, cannot represent his principal for the purposes of municipal elections, nor of voting on by-laws submitted for the approval or disapproval of the electors who are proprietors.

Agent not to vote for principal.

**137.** The special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the town, shall be served on such agent.

Special notices for absentees to be served upon agent.

If an agent has not been appointed, the notice shall be served by lodging in the post office of the town a copy thereof in a sealed and registered envelope addressed to the absent proprietor or rate-payer.

If no agent, to be posted.

**138.** No one is bound to give a special notice to any absent proprietor or rate-payer who has not appointed an attorney or agent, unless such proprietor has made known his address in writing by filing the same in the office of the council.

Special notices need not be given to absentees without agent, unless address has been given.

**139.** Special notices cannot be served, except upon judicial days and between the hours of seven in the morning and seven in the afternoon.

When special notices may be served.

**140.** If the doors of the domicile or place of business, where service of a special notice should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of the domicile or place of business.

If doors, etc. of domicile closed.

**141.** The intermediate delay, after special notice, shall run from the day on which such notice was served, exclusive of such day and of Sundays.

Delays after special notice.

How public notices to be published.

**142.** The publication of a public notice, in cases unprovided for by this act, shall be made by posting up a copy of such notice, at two different places in the town, from time to time determined on by resolution of the council.

If no places have been fixed by council.

In default of places determined upon by the council, the public notice shall be posted upon or near the principal door of at least one place of public worship, or in the public hall of the post-office and in the portion of the secretary-treasurer's office devoted to the public.

Public notices to be published in newspapers only in French.

**143.** It shall be sufficient that public notices which have to be published in the newspapers, shall be inserted only in one French newspaper in the town, if there is one, if not then in the district of Terrebonne, if there is one, if not, then in the district adjoining.

Delay after public notices.

**144.** Except in cases otherwise provided for, the intermediate delay after a public notice shall date from the day on which such notice has been made public.

If it is ordered that the notice must be published in a newspaper, the intermediate delay shall date from the day of the first insertion of such notice in the newspaper.

In all cases the day on which the notice was made public shall not count.

Public notices binding upon all.

**145.** Public notices shall be applicable to and binding upon proprietors or rate-payers domiciled out of the town in the same manner as upon residents, except in cases of expropriation and other cases otherwise provided for.

Acquiescing in notice.

**146.** Any person who has acquiesced in that which is required by a notice, or who has in any manner whatsoever become sufficiently acquainted with its tenor or object, shall not thereafter avail himself of the insufficiency or informality of such notice or of the omission of its publication or service.

Damaging notices, etc.

**147.** Any person, purposely tearing, destroying, damaging or effacing an advertisement, notice or other document, posted up under the provisions of this act or of any by-law, shall be liable to a fine of eight dollars for each offence.

#### TITLE IV.

##### MUNICIPAL ELECTORS.

Qualification of municipal electors.

**148.** In order to be a municipal elector, and as such to have the right to vote at the election of mayor and councillors, and to exercise all the rights and privileges conferred upon municipal electors by the provisions of this act, a person must fulfil the following conditions at the time he exercises such rights or privileges :

1. Be of the male sex and have attained the age of **ma-** Males ;  
jority and be a British subject ;
- 2 He must have been in possession in the town either **Proprietors ;**  
in his own name or in that of his wife or as institute in a  
substitution, as shown upon the valuation roll either as  
proprietor or as occupant, by any title whatsoever, of real  
estate of the real value of at least fifty dollars for which  
he pays taxes, or as tenant, farmer or lessee of real estate for **Tenants ;**  
which he pays an annual rental of at least twenty dollars ;  
To be an elector, every lessee or occupant shall have resi- **Resident**  
ded within the limits of the town at least for one year pre- **tenants ;**  
vious to the election ;
3. Have paid, both in his own name and in that of his **Payment of**  
wife, all taxes and assessment whether school or municipal, **taxes etc ;**  
and in general all municipal dues, taxes and debts what-  
soever which he may owe the corporation before the first  
day of January preceding the election ;
4. He must be entered on the valuation and assessment **Entry on roll.**  
roll.

**149.** Every partner in a firm or non-incorporated com- **Partners and**  
pany, and all proprietors of an undivided property, are also **co-proprie-**  
electors, if their shares in the said firm or property be suffi- **tors.**  
cient to qualify them as electors under article 148. .

**150.** Whosoever votes at an election for mayor or coun- **Penalty for**  
cillor, without having, at the time he votes, the required **voting when**  
qualification to make him a municipal elector, shall incur **not qualified.**  
a penalty of twenty dollars.

## TITLE V.

### GENERAL ELECTIONS.

#### SECTION I.

##### PRELIMINARY PROVISION.

**151.** The mayor is elected for one year by the vote of **Mayor how**  
the majority of the municipal electors of the town. **elected and**  
The present mayor shall remain in office until replaced **for how long.**  
according to the provisions of this act. **Present**  
**mayor.**

**152.** The councillors are elected for two years by the **Councillors**  
majority of the municipal electors of the town. **how elected**  
They shall be elected in each ward by the majority of the **and for how**  
votes in that ward when the town shall have been divided **long.**  
into wards under article 22. **If town di-**  
**vided into**  
**wards**

**153.** Three councillors shall go out of office each year, **Retiring of**  
the order in which they are, at present, replaced, shall con- **councillors.**  
tinue.

When duties  
commence.

**154.** The duties of the newly elected members commence from the beginning of the first session after they have been sworn.

Expenses of  
elections.

**155.** The expenses of the election are paid by the corporation.

#### SECTION II.

##### DATE OF ELECTIONS—NOTICE REQUIRED.

General elec-  
tions when to  
be held.

**156.** The general elections shall be held annually on the third Wednesday of February.

Notice con-  
vening  
electors.

**157.** The mayor, or, in his default, the secretary-treasurer shall give public notice, in French, announcing the election and calling a general meeting for the election on the day, hour and place fixed.

When to be  
posted.

This notice shall be posted up on the public weigh-house and all other places fixed by resolution of the council, at least eight days before the election, and it shall be read at the door of the Catholic church of the town, at the close of divine service, in the morning, of the Sunday following the posting of such notice.

Omission to  
give notice.

**158.** The omission to give such public notice shall not prevent the meeting of the municipal electors from being held; but the persons, who have neglected to give such notice, shall each incur a penalty of twenty dollars, payable to the corporation.

#### SECTION III.

##### OFFICER PRESIDING OVER THE ELECTION.

President of  
the election.

**159.** The council shall appoint one of its members, who does not go out of office, president of the election.

In default of  
appointment.

In default of such appointment, the secretary-treasurer shall be *ex-officio* presiding officer; if the town is divided into wards, the presiding officer shall name a deputy-presiding-officer for such ward.

Election  
clerk.

**160.** The presiding officer shall appoint an election clerk to assist him in the performance of his duties relative to the election; and if the presiding officer be absent or unable to act, the election clerk shall perform the duties of the presiding officer and shall be liable to the same penalties.

Oath to be  
taken by  
presiding  
officer.

**161.** Before proceeding to an election the presiding officer shall take the following oath:

" I, A. B. solemnly swear to faithfully and without partiality fulfil to the best of ability and judgment the duties of presiding officer of the election to which I shall proceed, of a person (or persons) to the office of member of the council of the town of Terrebonne. So help me God."

The election clerk is, likewise, bound to take the same oath as contained in the preceding form, by changing the words presiding officer and substituting therefor election clerk.

**162.** The presiding officer shall preside at the general meeting on nomination day ;

He shall remain, as much as possible, at the town hall on polling days.

He shall act as such under his oath of office.

**163.** During the election, the presiding officer is a justice of the peace and has the same powers as a justice of the peace, for the purpose of maintaining good order and of arresting, imprisoning, bailing of any one who infringed the law and troubled the peace, even though the said presiding officer shall not have the necessary property qualification for a justice of the peace.

The presiding officer shall have power to appoint a sufficient number of special constables to maintain peace during the election if he shall deem it necessary, or if required to do so by five electors.

**164.** Within three days from the closing of the election, the presiding officer is bound to give special notice to the mayor and each councillor elected of his election, as well as of the place, day and hour which he has fixed for the first meeting of the council, which said meeting shall take place within the fifteen days following such election.

**165.** The presiding officer shall immediately hand over the poll book kept at such election and all other papers and documents concerning the election, duly certified by him to the secretary-treasurer if there be such an officer, if not, as soon as he shall have been appointed, to be by him kept as part of the archives of the council.

Copies of these, duly certified by the secretary-treasurer, shall be *prima facie* proof of their contents.

**166.** The duties of presiding officer, at an election, are gratuitously fulfilled ; however, the council shall reimburse him for all just costs incurred for the said election and may, furthermore, grant him indemnity for his services.

## SECTION IV.

## MEETING OF MUNICIPAL ELECTORS.

When meeting to be held.

**167.** The meeting of the municipal electors shall be held at the place of the ordinary meetings of the council, in the town hall, and shall be opened at ten o'clock in the forenoon, on the day fixed for the election, and the minutes of the meeting shall be kept in the minute book of the council or in a document to be preserved as part of the archives of the council.

Opening of meeting.

**168.** The presiding officer, after having opened the meeting, shall call upon the electors present to propose the persons they desire to choose as mayor and councillors.

Nomination of candidates.

**169.** The presiding officer shall receive and place in nomination the names of all persons proposed, either verbally or in writing, by at least ten electors for mayor and five electors for councillor.

Proviso.

Nevertheless, no one can be nominated either for mayor or for councillor, unless his name and surname be given in at the same time, as well as the name and surname of the electors who propose him.

Oath may be administered to candidates as to qualification.

**170.** The presiding officer may, and shall if required to do so by an elector duly qualified to vote at that election, examine under oath every candidate for the office of councillor as to his qualification.

The oath to be administered shall be in the following terms.

Form of oath.

"You swear to answer the truth to all such questions as  
"I shall put to you in my capacity of presiding officer at  
"this election, touching your qualification to be elected a  
"member of the town council : So help you God."

Questions thereupon.

The presiding officer shall himself put the questions he may consider necessary.

Election by acclamation.

**171.** If, after the lapse of one hour from the opening of the meeting, there shall have been nominated but one candidate for the mayoralty, and as many candidates as there are councillors to be elected or less than the number required, the election shall be declared closed and the presiding officer shall declare those candidates, who have been nominated, elected as mayor and councillors, respectively.

If more candidates nominated than there are offices vacant.

**172.** If, one hour after the opening of the meeting, there shall have been nominated more than one candidate for the mayoralty and more candidates for the office of councillor than there are councillors to be elected, the presiding officer, at the request of five electors present, shall

proceed without delay to the voting and enregistering the votes of the electors present.

**173.** Nevertheless, if then there be among the candidates nominated any against whom there is no opposition, the presiding officer shall proclaim them elected and the voting will take place only for the other candidates :

Election of those not opposed.

**174.** In default of a request to have a vote taken by five electors present, the presiding officer shall proclaim elected, as mayor and councillors, those candidates who have a majority of the electors present, upon establishing such majority by counting the electors present in favor of each candidate.

If poll not demanded.

Nevertheless, five electors present may immediately appeal from such decision by asking for a vote.

Appeal from decision.

**175.** Where a vote is asked for and takes place, the presiding officer shall inscribe or cause to be inscribed in a book kept for that purpose, under the conditions hereafter prescribed, and in the order that they are given, the votes of the electors by inscribing the names and qualities of each one of them.

Entry of votes of electors if polling takes place.

**176.** Whosoever presents himself to vote shall take the following oath or affirmation before the presiding officer, if it is required by him, by an elector, by a candidate or by the representative of a candidate.

Oath to be taken by electors.

" I swear (or affirm) that I have a right to take part at this meeting, that I am duly qualified to vote at this election, that I am at least twenty-one years of age, that I have paid all municipal and school taxes due by me, and that I have not already voted at this election : So help me God."

Form of oath.

Should the elector refuse to take the oath his vote shall be refused.

If oath refused.

**177.** When the presiding officer does not understand the language spoken by one or more of the electors, he shall appoint an interpreter, who shall take the following oath before acting :

Interpreter.

" I swear (or affirm) that I will faithfully interpret the oath, declarations, affirmations, questions and answers that the presiding officer shall require me to translate touching this election : So help me God."

Oath of interpreter.

**178.** The elector, may vote for the mayor and for as many candidates as there are councillors to be elected in the town, or in the ward in which he is qualified to vote as elector, when the town is divided into wards under article 22.

Electors' right to vote.

Vote to be given in ward where qualified.

**179.** No elector can vote for the election for a councillor for a ward, other than the one in which he is a qualified voter ; but every elector who is qualified to vote in several wards may vote in each of such wards

Only one vote for each office.

**180.** No one can vote more than once at an election for mayor or for councillor for whom he is qualified to vote, under penalty or fine of twenty dollars, and in default of payment thereof to imprisonment for not more than two months.

Numbering, etc., of pages of poll book.

**181.** Each page of the poll book shall be numbered at length and initialed by the officer presiding at the election.

Entry if elector has been sworn, etc.

The fact that an elector has taken the oath, or refused to take it, or that objection was made to his vote, shall be entered in the poll book.

Certificate of number of votes poll to be entered in poll book.

**182.** The presiding officer shall, at the close of the first day's voting and at the close of the election, but before he shall proclaim the candidates elected, certify over his signature on the poll book the total number of votes entered in the book, as well as the total number of votes cast for each candidate.

Casting vote of presiding officer. Penalty if he does not give it.

**183.** When there shall be equality of votes given for one or several candidates, the presiding officer, even though he be not a municipal elector, shall give his casting vote, under penalty of a fine of from twenty to fifty dollars.

Voting in case town divided into wards.

**184.** When the town shall be divided into wards the voting shall last only one day and shall be closed at five o'clock in the afternoon.

If number of voters exceeds two hundred.

**185.** However, if the number of qualified electors shall exceed two hundred, there shall be allowed an additional poll for each two hundred additional electors.

Proclamation of candidates elected.

**186.** At the close of the election, the presiding officer shall declare elected as mayor or as councillors those candidates who have obtained the largest number of votes.

#### SECTION V.

##### CASES WHEN THE ELECTIONS ARE NOT HELD ON THE DAY APPOINTED.

If elections do not take place when fixed by act.

**187.** If it happen that the annual general elections do not take place at the time specified in this act, it shall be the duty of the councillors who do not retire from office, or the majority thereof, to assemble without delay to fix the days on which the meeting and the holding of the poll shall be held.

The days so fixed shall be the soonest possible, and public notice of the election shall be given one clear day before the nomination.

**188.** If, within fifteen days next after that on which the general elections should have taken place, the members of the council, who do not retire from office, have not complied with the preceding article, each councillor shall be liable to a penalty not exceeding twenty dollars, and the mayor, to one hundred dollars; and the election shall be held by the sheriff of the district of Terrebonne within fifteen days.

Penalty on members not complying with previous article.  
Election to be held by sheriff.

#### SECTION VI.

#### CONTESTATION OF MUNICIPAL ELECTIONS.

##### § 1.—General provisions.

**189.** Any election of a member of the council may be contested by any one or several candidates or by at least three qualified electors.

Who may contest elections.

**190.** The judge or the Circuit Court of the district of Terrebonne shall take cognizance of such contestation.

Who takes cognizance of such contestation.

**191.** The contestation is tried and decided summarily. The evidence shall be taken orally. If the court so orders, the whole or a portion of the evidence may be taken down in writing.

Tried summarily.  
Evidence.

##### § 2.—Petition to set aside the election.

**192.** Such contestation shall be made by a petition signed and sworn to by the petitioner or petitioners, or their attorney, in which shall be set forth the facts and reasons alleged in support of the contestation.

Petition for that purpose, etc., what to contain.

The petitioners may also, in their petition, indicate the persons who have a right to the office in question, and state the facts necessary to establish such right, and pray that they be placed in possession of such office.

**193.** A copy of the petition, with a notice stating the day on which it will be presented, shall be served upon and left with each member of the council, whose election is contested, at least eight days before that on which the petition is to be presented to the court.

Copy to be served.

**194.** No such petition shall be presented or received after the next sitting of the court after the election contested took place, unless such sitting be held within fifteen days.

When petition may be presented.

following the election, in which case the petition may be presented at the opening of the following sitting.

§ 3.—*Security.*

Security for costs.

**195.** The petitioners shall give security for costs before the service of the petition; otherwise such petition shall not be received by the court.

How to be given.

**196.** The security required by the foregoing article shall be given before the clerk of the Circuit Court.

The sureties shall be owners of real estate to the total value of two hundred dollars, over and above any incumbrances there may be on such property.

One surety shall suffice.

The security may be given by means of a deposit of an equivalent amount of money or securities in the hands of the said clerk.

§ 4.—*Return of the petition and trial.*

Presentation of petition.

**197.** The petition shall be presented in open court, or to a judge in chambers, together with the returns of the preliminary services.

If the petition must be presented to a judge in chambers, and if the judge be absent, it may be filed in the office of the clerk of the Circuit Court.

If allegations sufficient, proof to be ordered, &c.

**198.** If the court or the judge, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it shall order proof to be adduced and the parties interested to be heard, on the day it deems the most convenient.

§ 5.—*Judgment and incidental proceedings*

Power of court, etc., in giving judgment.

**199.** The court or the judge by its judgment may confirm or annul the election, or declare that another person has been duly elected.

Condemnation as to costs.

**200.** The court or the judge may condemn either of the parties to pay the costs of the contestation, which costs shall be taxed as in Superior Court cases of from one hundred to two hundred dollars.

Recovery thereof.

Such costs shall be recoverable as well against the parties to the suit as against their sureties.

Execution therefor.

The judgment, in so far as regards the costs, shall be executory against the sureties, fifteen days after a copy thereof has been served upon them.

**201.** The court may order that its judgment, if it annul the election, be served, at the expense of the party against whom the judgment has been rendered, at the office of the council. Service of judgment.

**202.** If the trial of the contestation is not concluded at the close of the term of the court at which the petition was presented, the sitting judge shall continue it, without interruption during the vacation, adjourning from day to day until he shall deliver his final judgment upon the merits of the contestation. If trial not ended at close of term.

If the petition has been presented in chambers, the judge shall continue the case from day to day until his judgment has been rendered. Case to be continued, if in chambers.

## TITLE VI.

### VACANCIES IN THE OFFICE OF MAYOR OR COUNCILLORS.

**203.** There shall be a vacancy in the office of mayor, and councillor in each of the following cases : Vacancies in office of mayor and councillor.

1. In case of death ;
2. The case of an election being set aside ;
3. In the case provided by article 124 ;
4. In the case of absence from the sessions of the council or of its committees for over two consecutive months ;
5. In the case of absence from the town for over two months without the permission of the council ;
6. In the case of the election of a person who is not eligible ;
7. In the case of a written resignation and the acceptance of such resignation by the council ;
8. When a member of the council has refused to accept or to continue to occupy the office ;
9. When a member of the council no longer has his residence or place of business in the town ;
10. When a member of the council has become incapable, after his election, owing to one of the incapacities enacted by law and has complied with article 124 ;
11. When a member of the council is exempt from office when elected or becomes exempt while in office, provided he complies with article 130 ;
12. When a member of the council has made an assignment of his property on account of insolvency, or has been declared bankrupt, or has applied to obtain the benefit of any law respecting insolvency ;
13. When a member of the council is unable to act for three consecutive months, on account of illness or infirmity.

**204.** Any member who refuses to accept or to continue to fill the office to which he has been elected in the council. Resumption of office by members of council, etc.

cil, or who has been unable to perform the duties of such office for three consecutive months, on account of absence, illness, infirmity or other cause, may always, if the vacancy caused by his refusal or inability to act has not been filled, resume and exercise his office, provided he is still able to do so, without prejudice however to the costs of the proceedings against him.

Filling of  
vacancies in  
certain cases.

**205.** In the case of vacancy in the office of mayor or councillor, occasioned either by the refusal to act or the annulling of the election according to article 189 and following, the electors of the town shall elect a qualified person to fill such vacancy, within thirty days after such refusal has been established or the annulling of the election.

This election shall be made in the same manner as general or annual elections.

Term of office  
of replacing  
mayor or  
councillor.

**206.** In any case, the mayor or councillor elected in the place of another shall remain in office only for the remainder of the period for which his predecessor was elected.

Members to  
continue to  
perform  
duties, etc.,  
notwith-  
standing va-  
cancies.

**207.** Notwithstanding any vacancy in the council, the members who remain in office shall continue to exercise their powers and to perform their duties.

## TITLE VII.

### POWERS OF COUNCIL.

#### SECTION I.

#### GENERAL PROVISIONS.

Jurisdiction  
of council.

**208.** The council shall have jurisdiction throughout the entire extent of the town.

By-laws, etc.,  
how passed.

**209.** By-laws, resolutions and other municipal orders shall be passed by the council in session.

Formalities to  
be complied  
with.

**210.** The council, in the discharge of its functions, shall fulfil all the formalities required by the provisions of this act and by the by-laws in force.

Publication of  
documents  
etc, how  
effected.

**211.** Any document, order or proceeding of the council, the publication of which is required by the provisions of this act or by the council itself, shall be published in the manner and at the places prescribed for public notices, save the cases otherwise provided for.

## SECTION II.

## BY-LAWS OF THE COUNCIL.

§ 1.—*General provisions.*

**212.** The council may impose, by any by-law, for each and every infraction of the by-laws, excepting in cases where penalties are specially provided, either a fine with or without costs, or imprisonment, and if a fine with or without costs, may provide for imprisonment, in default of immediate payment of such fine and costs; but, except in cases where it is otherwise provided in this act, such fine or imprisonment shall be in the discretion of the court;

Power of council to impose fines and imprisonment in default of payment for breach of by-laws.

Fines, etc., to be discretionary.

Such fine shall not, however, exceed twenty dollars, and such imprisonment shall not be for a longer period than one calendar month.

Fines and imprisonment limited.

**213.** The council may, in any by-law made under the provisions of this act, enact the imposition of punishment by fine or imprisonment for enforcing any such by-law; provided that the fine does not exceed the sum of twenty dollars, and that the imprisonment be for a period not exceeding one calendar month, save such cases as are otherwise provided for.

Fines and imprisonment under by-law made under this act.

The court, which decides upon the offence, may limit the fine or imprisonment.

Court may limit same.

**214.** Whensoever a proprietor or occupant of land in the town refuses or neglects to execute, within the prescribed delays such works as have been ordered by the council under the provisions of this act or of its by-laws, or is unable to execute them on account of absence, poverty or otherwise, the council may have such works executed, and claim the cost thereof like all other taxes, with six per cent interest.

Works to be executed by council if proprietor neglects, etc., and cost to be a claim as other taxes.

**215.** The council may, by any by-law, authorize of its officers or any officer or constable of the police force to enter any house or stables, yard or other place in the town, in order to ascertain that there be no infringements of the by-laws now in force or which may hereafter be put into force by the council, and impose the same penalties on all persons who refuse to allow such officer or constable to enter his house, stable, yard or other place or who hinders and impedes in any way, such officer from discharging his duties.

Council may authorize officers to inspect houses, etc., for certain purposes.

§ 2.—*Promulgation and amendment of by-laws.*

Signature to  
by-law.

**216.** The original of every by-law, to be authentic, shall be signed by the mayor or person presiding the council at the time of the passing of such by-law, and by the secretary-treasurer.

Certificate to  
accompany  
by-laws that  
have been  
approved by  
electors.

**217.** The originals of the by-laws submitted for the approval of the municipal electors, when such approval has been given, shall be accompanied by a certificate under the signature of the mayor or of the person who presided at the meeting of electors and the secretary-treasurer establishing the fact of such approval and, such certificate shall form part thereof.

Reading of  
by-laws  
before being  
passed.

**218.** The council may order that the municipal by-laws be read two or three times before they are passed, on different days, or on the same day provided the vote is unanimous.

Translation in  
English when  
required by  
council.

**219.** The by-laws shall be translated into the English language when the council shall require it.

Certificate of  
secretary-  
treasurer,  
as to obser-  
vance of form-  
alities.

**220.** The certificate of the secretary-treasurer, stating that the necessary procedure and formalities have been observed by the council or its officers at the time of the passing of the by-law, shall be *prima facie* evidence of their regularity.

Several ob-  
jects may be  
regulated by  
one by-law.  
One submis-  
sion to elect-  
ors will  
suffice.

**221.** One and the same by-law may regulate several of the objects mentioned in the provisions of this act.

In the event of the various objects, with regard to which one and the same by-law provides, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

Publication of  
by-laws how  
effected.

**222.** In order to have force and come into effect, every by-law shall be published in the following manner :

A copy of the by-law shall be read in French at the door of the Catholic church of the town at the close of divine service on the two Sundays following its adoption by the council or its approval by the electors being proprietors, if the by-law be subject to such approval.

Furthermore, two copies of the by-law shall be posted up in two of the most public places in the town, designated by a resolution of the council.

When by-laws  
come into  
force.

**223.** The by-laws come into effect and have the force of law, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after publication thereof.

**224.** The by-laws which in virtue of their own provisions, or those of this act, do not come into force until after the expiration of a certain period, shall be published at least eight days before such period.

Publication of by-laws that come into force at certain time.

The council may publish its by-laws in a French newspaper of the town if there is one, or in the district if there is one, and if not, then in an adjoining district.

Publication in French newspapers.

**225.** By-laws are executory and remain in force until they are amended, repealed or annulled by competent authority or until the expiration of the period for which they have been made.

How long by-laws remain in force.

**226.** By-laws passed by the council shall, when promulgated, be deemed public laws within the limits of the jurisdiction of the council.

By-laws to be public laws in town.

**227.** By-laws, which before coming into force and effect, must be submitted for the approval of the municipal electors, cannot be amended or repealed except by another by law approved in the same manner, except those which contain a provision reserving to the council the right of amending or repealing the same; but in such case the amendment cannot derogate from the principle approved by the electors, and the by-law can only be amended in such manner as to make it more advantageous for the town.

Amendment, etc., of by-laws that have been approved by electors.

The repeal or amendment of any by-law can only be made by means of another by-law.

By-laws how repealed, etc.

**§ 3.—Approval of electors who are real estate owners required for certain by-laws.**

**228.** When a by-law of the council has to be submitted to the electors who are real estate owners, the proceedings at the meeting held for the purpose and at the voting, if the same be necessary, are those hereinafter prescribed.

Proceedings at meetings of electors to consider by-laws.

**229.** The general meeting of such electors who are real estate owners is convened, at least eight days beforehand, by a public notice signed by the mayor, for a day specified by the council, at the public municipal hall.

Convocation of meeting.

**230.** The said meeting is presided by the mayor or pro-mayor.

Who presides.

The secretary-treasurer acts as secretary, reads the by-law, and submits it to the meeting.

Secretary and his duties.

**231.** If more than one half hour elapses after the meeting is opened without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested.

If no poll demanded with-in certain time, by-law approved.

Who may demand poll.

**232.** Six electors, who are real estate owners and qualified to form part of such meeting, may require that a poll be held to ascertain whether the by-law is approved or not.

Duty of presiding officer thereupon.

Upon such requisition, the mayor or other person presiding shall, within the following eight days, fix the day for the opening and holding of the poll.

Poll by whom to be kept.

**233.** The poll shall be kept and presided over by the mayor with the assistance of the secretary-treasurer.

Open for one day between certain hours.

**234.** It shall be held during one juridical day from ten o'clock in the morning to five o'clock in the afternoon.

Presiding officer need not remain all the time, etc.

**235.** The mayor or other person presiding may absent himself during the voting, provided he be represented by a member of the council.

Voting.

**236.** Each elector shall present himself in his turn and give his vote by "yea" or "nay"; the word "yea" meaning that he approves of the by-law, and the word "nay" that he disapproves of it.

Entry in book

The name of the elector and the vote given by him shall be entered in a special book kept by the secretary-treasurer for the purpose.

Right to vote.

**237.** No one shall be allowed to vote, unless his name be inscribed on the last list of municipal electors in force as a municipal elector as real estate owner.

Taxes need not be paid.

In this case, it shall not be necessary that such electors have paid their school and municipal taxes.

Addition of votes.

**238.** At the close of the poll, the mayor shall count the "yeas" and "nays," and, within the four following days, he shall submit to the council the result of the voting, together with a statement of the value of the taxable real estate of each voter according to the valuation roll in force.

Certificate respecting.

It shall be certified over the signatures of the mayor and secretary-treasurer, for the information of the council, whether the majority of the electors in number and in value of the taxable real estate, approve or disapprove of such by law.

Examination of poll books.

If the council wishes to examine the poll books and the assessment roll, they shall be at once submitted.

Majority required to approve by-law.

**239.** Every by-law which has to be submitted to the electors, who are real estate owners, shall in order to be approved receive the majority in number and value of the immoveables belonging to the said electors.

**240.** When the votes are equally divided, the mayor, Casting of whether he has or has not presided at the voting, shall vote of mayor. give his casting vote.

**244.** The poll books, as well as the statement and certificate produced, shall be deposited in the archives of the council. Poll books, etc., to be deposited in archives.

§ 4.—*The annulling of by-laws &c.*

**242.** Any elector may, in his own name by a petition presented to the Circuit Court in the district of Terrebonne, demand and obtain, on account of illegality, the annulling of any by law, resolution, roll or other act of the council or of any part thereof. Who may petition to annul by-law.

**243.** The rules prescribed in articles 192 to 202 inclusive of this act shall apply *mutatis mutandis* to the petition presented under this subsection. Rules applicable.

**244.** The corporation is alone responsible for all damages caused by the putting in force of the said by laws, resolutions, rolls or other acts. Corporation responsible in damages for putting by-laws in force, etc.

SECTION III.

POWER TO PASS CERTAIN BY-LAWS.

**245.** The council has power to make and put into force such by-laws and ordinances as it may deem necessary or useful for the internal government of the town, and amongst other things, for the following objects :

1. For improving the locality ;
2. For the purchasing or leasing of moveable or immovable property for the use of the city, and for selling or disposing of the same ;
3. For the construction or repair of any building which may be required by the town, in the exercise of its rights, powers, and attributions ;
4. For granting the free use of any such building to any person or manufacturer, as the council may deem advantageous to the town ;
5. In a word for everyting respecting the internal economy and government of the town.

The council shall also have the right to amend, modify, repeal or replace, in whole or in part, the said by-laws and ordinances, as well as those made by the municipal councils which have had the management of the internal government of the town, provided however that no by-law passed under paragraph 4 of the present article can be carried out until it has been submitted and approved

General powers of council to pass by-law for :

Improve-ments; Purchasing property, etc;

Constructing buildings, etc;

Granting use of buildings to manufactories;

General internal government.

Power to amend such by-laws, etc.

Proviso.

of by the electors as provided in articles 228, to 241, inclusively.

Council has power to make by-laws, etc., respecting officers, etc.

**246.** The council has also power to make, amend, modify, repeal or replace, in whole or in part, by-laws respecting itself, its officers, or the municipality, upon each of the subjects mentioned in the present act.

### 1.—*Government of the council and of its officers.*

Council may by by-law :  
Regulate debates ;  
Fix date of sessions ;

**247.** The council may, by by-law :

Regulate the manner of conducting its debates, and the maintenance of order during the sessions of the council or of its committees ;

Determine the date of the ordinary sessions of the council and the number of days they shall last ;

Define duties of officers ;

Define the duties of the officers of the council which are not determined by this act.

### 2.—*Public safety.*

Protect lives, etc., of inhabitants ;

**248.** Protect the lives and property of the inhabitants of the town, and, for the better prevention of danger from fire, to regulate the construction, the dimensions of chimneys and their height above the roofs, or even in certain cases above the surrounding houses and buildings ; and declare by whom the cost of the raising of such chimneys shall be paid, and within what delay such chimneys shall be raised or repaired ;

Regulate inspection, etc., of houses, etc. ;

**249.** Regulate and provide for the inspection and construction of houses and buildings in the town, both of those already built and of those being built, and appoint a building inspector and define and determine his duties ;

Prevent bakers, etc., having ovens that do not communicate with chimneys ;

**250.** Prevent any baker, potter, blacksmith, brewer, manufacturer, or person from building, or having any oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, rising at least three feet higher than the top of the building in which, or in connection with which such oven or furnace is placed ;

Compel proprietors to provide fire-buckets, etc. ;

**251.** Compel the proprietors or occupants of houses or other buildings, to provide a fixed number of fire buckets, and to have ladders from the ground to the eaves, and from the eaves to the ridge of the roof ;

Prevent persons entering sheds, etc., with unenclosed lights, etc. ;

**252.** Prevent any person from entering any shed, stable, pig-sty, barn or out-house, with a light not enclosed in a lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution, so as to prevent fires ;

**253.** Prevent any person from lighting or keeping a fire in any out-house, pig-sty, barn, shed or other building, otherwise than in a chimney or a metal stove;

Prevent persons lighting fire, etc., in out-houses, etc.

**254.** Prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel;

Prevent carrying fire in streets;

**255.** Compel the owners or occupants of barns, hay-loft, or other buildings containing combustible or inflammable substances, to keep the doors thereof shut;

Compel owners, etc., to keep doors of hay-lofts, etc., closed;

**256.** Compel the owners or occupants of houses to have or permit their chimneys to be swept; regulate the manner and period in which such chimneys shall be swept; name the sweeps and give them licenses, fix the rates payable to the sweeps and the price for the license;

Compel sweeping of chimneys, etc;

Impose a fine of not more than five dollars on all persons whose chimneys have caught fire after they have refused to allow them to be swept or who refuse to have their chimneys swept;

Penalty on persons whose chimneys catch fire after refusal to allow their being swept;

Whenever a chimney, which shall have so taken fire, shall be common to several houses or to several households in the same house, the fine may be recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion;

**257.** Determine the precautions to be adopted in the sale of gunpowder or other explosive substance;

Determine precautions respecting gunpowder;

**258.** Regulate the manner in which quick-lime or shes shall be kept or deposited;

Regulate, keeping, etc., of quick-lime;

**259.** Construct fire-proof buildings for the reception and storage of oils and other inflammable fluids, liquids, or substances; establish a tax upon persons who store such articles;

Construct fire-proof buildings for storage of certain substances, etc;

**260.** Confiscate all powder, oil, fluid or other inflammable substance or explosives, kept or carried contrary to the by-laws;

Confiscate powder, etc., kept, etc., contrary to by-laws;

**261.** Prevent all persons from setting off fire-works or crackers, or from discharging fire-arms, or lighting fire in the open air, on the high road or in the neighborhood of any building, grove or inclosure, or to permit the same under certain conditions; and forbid the use in the streets or other public places of kites, small sleighs, or games of a nature to frighten horses and impede circulation;

Prevent persons setting off fire-works, etc.

Cause walls,  
etc., to be  
demolished;

**262.** Cause to be demolished and removed all walls chimneys or buildings in ruins or likely to fall; and determine in what time, by what means and at whose expense, such demolition or removal shall be effected;

Prevent erec-  
tion, etc., of  
wooden build-  
ings, etc.;

**263.** Prevent the erection of wooden buildings or fences in the town, and determine, in certain cases, the nature of the materials to be used for making roofs;

Compel pro-  
prietors, etc.,  
to remove  
snow and ice  
from roofs,  
etc. ;  
Determine  
places for  
erecting  
steam-  
engines, etc. ;

**264.** Compel all proprietors or occupants of houses or other buildings erected on the public street to remove the snow and ice from the roofs of such buildings or edifices;

**265.** Determine the place for the erection and regulate the erection and use in the town of all steam-engines and machinery, oil refineries, soap, candle or glue factories, gas works, tanneries, distilleries or other factories whatsoever, liable to vitiate the air and incommode the neighborhood by smoke or smell, or of all shambles and establishments in which work is done or processes carried on which endanger or are liable to endanger public health or safety, of which the council shall be the judge, and prohibit or permit the erection and use thereof under such restrictions and conditions as the council may deem necessary; provide for the inspection of steam-engines and of all factories, such as those above mentioned and impose and levy a fee for that purpose;

Cause abat-  
toirs to disap-  
pear ;

Cause to disappear the abattoirs now existing in the town, subject to compensation ;

Prevent thefts  
etc., at fires ;

**266.** Prevent thefts and depredations at fires, and punish any person who resists, opposes or illtreats any member or officer of the council, while in the execution of the duty assigned to him by the council ;

Regulate con-  
duct of per-  
sons at fires ;

**267.** Regulate the conduct of all persons present at any fire in the town ; oblige idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and oblige all the inhabitants of the said town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams, and fire-hooks, in order the more easily to check the progress of fire ;

Power of  
mayor in  
absence of by-  
laws :

In default of any by-law to that effect, the mayor may act in accordance with this article ;

Authorize  
demolition of  
buildings etc.,  
to stay fires ;

**268.** Authorize certain persons to cause to be pulled down, removed or demolished such buildings as may appear necessary, in order to avert the progress of any fire, saving all damages and indemnity payable by the corporation to the proprietors of such buildings, to an amount agreed between the parties, or on contestation, to an amount settled by arbitrators ;

In the absence of by-laws under this article, the mayor may, during the course of a fire, exercise such power by giving a special authorization ;

Power of mayor in absence of by-law ;

**269.** Establish and organize companies of firemen or sappers, and determine the duties of the members of such companies and impose penalties upon such of their members as fail in their duties ;

Establish companies of firemen, etc. ;

Provide for the purchase of fire-engines or apparatus destined for the same purpose ; and generally adopt measures best calculated to prevent accidents through fire and to avert its progress ;

Provide for purchase, etc., of fire-engines etc ;

**270.** Hold, authorize or cause to be held after each fire in the town an enquiry into the cause and origin of such fire ;

Hold enquiry into causes, etc., of fires ;

For this purpose, the council or a committee composed of at least two of its members by it authorized, may summon witnesses and compel them to appear and give evidence and examine them under oath to be administered by any one of the members ;

Power of council for that purpose, etc ;

**271.** Authorize such officers, as the council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, either the inside or the outside of all houses and buildings of any description within the town, for the purpose of ascertaining whether the by-laws, passed by the council under the authority of the preceding articles, are regularly observed, and oblige all proprietors, or occupants of houses in the town to admit all officers for the purposes aforesaid.

Authorize officers to visit etc., buildings.

### 3. — Streets and of Public Squares.

**272.** The council may, by by-law :

Purchase, open, enclose, alter, embellish, improve and maintain, at the costs and charges of the corporation, streets, squares, parks, or public places, of a nature to conduce to the health and well-being of the citizens ;

Council may, by by-law : Purchase, etc., streets, etc ;

**273.** Order the opening of new streets or portions of streets, public squares and the enlargement, continuation, straightening or other alteration of streets or specified portions of streets or public squares, according to such plans and upon such conditions as it may deem expedient ; regulate the width of streets to be hereafter opened ;

Order opening, etc., of new streets, etc ;

**274.** Acquire, by private agreement or by expropriation, all lands required for such purposes ; order how the expense so caused shall be apportioned and levied, in whole or in part, by the corporation or by the proprietors whose properties benefit by the improvements ;

Acquire, etc., lands for such purposes, etc. ;

Order making of common sewers, etc., upon petition of majority of inhabitants on any street, etc.;

Regulate assessment for such purpose ;

Assessment of property on two or more streets, etc.

Council may order inspector to notify persons encroaching on streets to remove obstructions.

Proceedings in default.

Expenses how recovered.

By resolution: Prevent rebuilding of demolished houses projecting on streets, etc. ;

Determine height or level of streets, etc.

Council may by by-law : Close streets, etc.

Public roads to be public streets.

**275.** Whenever the majority of the proprietors of real estate in a street or part of a street in the town shall, by a petition addressed to the town council, require the making of a common sewer, the macadamizing, planking or making of any other improvements whatsoever, to such street or part of a street, the said council may order such improvements to be made, and may regulate the manner of levying and collecting a sufficient assessment, to defray the cost thereof, on the persons who may be interested in such improvement or on all proprietors of lands, opposite to which such improvements may be made ;

When any real property shall be situated on two or more streets, or on one or two streets or a public square, the council, in passing such by-law, shall decide what proportion or part of the said real property is benefited by the special improvement made in such street or public square, and shall, in consequence, apportion the special tax or assessment to be levied on the said property to defray the cost of such improvement.

**276.** The council may order the town inspector to notify all who encroach or shall encroach in the future on street or public squares, with their fences, houses or other buildings or encumbrance whatsoever, to remove such encroachments and obstruction within a given time stated in the inspector's notice ;

In default of such persons complying with the notice within the delay specified by the council may order the inspector to remove these encroachments and obstruction by taking such force and help as are necessary ;

The council may allow the inspector his reasonable expenses and to recover them, before any court, from the party in default.

**277.** The council may, by resolution, prevent the rebuilding, in the same place, of a demolished house which projected upon the line of a street or specified portion of a street or public square, and may acquire or expropriate the land.

**278.** The council may, by resolution, determine and change the height or level of the streets of the city, provided that if any person suffer damage thereby, he shall receive compensation to be settled by arbitrators.

**279.** The council may, by by-law, close any street or specified part of street or public square, and sell the land for the benefit of the municipal treasury ;

**280.** The public roads, now within the limits of the town, shall be considered as public streets for the purposes of this act.

**281.** The council may, by by-law :

Repair, level, sweep, water and keep clean and in good order any street or a specified portion of a street or public square or remove the snow therefrom at the expense of any owner or occupant residing on such street or specified portion of a street ;

Council may  
by by-law :  
Repair, etc.,  
streets, etc. ;

**282.** Assess all the citizens residing on a certain street or public square, when demand is made therefor by the majority of the citizens residing on the said street or public square, according to the estimated value of their property, for the purposes of meeting the expense of sweeping, watering and maintaining such street or public square and also for the removal of snow ;

Assess per-  
sons when  
demanded for  
sweeping, etc.,  
of streets ;

**283.** Compel railway companies to keep in order the streets, portions of streets and public squares through which their trains run, in such manner as the council by resolution or the town inspector may indicate ;

Compel rail-  
way compa-  
nies to keep  
streets in  
order ;

If such companies neglect or refuse to do such work, the council may have the same done and recover the amount thereof from such companies in default ;

Default of  
companies ;

**284.** Oblige the proprietors of lands in the town, or their representatives, to fence such lands, and fix the level and height of the fences, as also the nature and kind of the materials used in them ;

Oblige pro-  
prietors to  
fence lands ;

Regulate the manner of constructing fences between neighbors ;

Regulate con-  
struction of  
fences ;

**285.** Compel the proprietors or occupants of houses to remove from streets or public squares all encroachments or projections of any kind, such as steps, galleries, porches, posts, gates opening upon the public way, signs, boxes wood or other obstacles, and prevent encumbering by vehicles ;

Compel re-  
moval of en-  
croachments,  
etc. ;

**286.** Prohibit the transport or removal through the town of any house or building, without a special permit from the council, and on payment of such compensation as the council may exact ;

Prohibit, etc.,  
removal of  
houses  
through  
streets ;

Every person, so transporting or removing a house or building, shall be responsible for the damages which may be caused to the town by injuring the trees or streets or underground pipes ;

Damages oc-  
casioned by  
removal ;

Such damages may be determined by the council, and the house or building causing the same may be seized and sold to pay for such damages, which shall be a privileged claim after the costs of sale ;

How de-  
termined and  
paid for ;

**287.** Authorize the council to cause to be removed or taken away all awnings, signs or any object serving as

Authorize re-  
moval of  
awnings, etc. ;

such, which project upon the public highway or are suspended or placed so as to be dangerous for foot passengers ;

Prohibit distribution of hand-bills on Sunday ;

**288.** Prohibit the distribution of printed hand bills or circulars at church doors on Sunday ;

Regulate planting of trees along streets ;

**289.** Regulate the planting of trees along the streets, and punish those who uproot or spoil any tree, by a fine not exceeding twenty dollars and in default of payment imprisonment for not more than one month ;

Regulate laying of telephone wires, etc ;

**290.** Regulate the laying of telephone or telegraph wires in the city, the quality of posts and order them to be painted ; order, if necessary, that the wires be laid underground in certain places so as not to obstruct the streets ;

Establish amounts of statute labor tax.

**291.** Establish and fix the amounts of the personal statute labor tax, that is to say : the amount which is to be paid yearly by the persons bound by-law to repair the streets and side-walks and keep them in order ;

Collection of amount so fixed in money hereafter.

After the passing of a by-law to this effect the council shall refuse the labor of such persons for the repair and keeping in order of such streets and side-walks which it may have under its immediate control, for the carrying out of work to be done, and it shall collect the amount in money of such personal statute labor tax as the by-law may have fixed and established, provided such tax be equitably established in proportion to the work to be done ;

Statute labor tax commutation of works on streets, etc.

**292.** The amount paid for such personal statute labor tax shall be a commutation of the works required on the streets, without including the making or repairing of side-walks, common sewers, of paving or macadamizing ;

Council may make, etc., any road, square, etc ;

**293.** The council may :  
Make maintain, height n, level, clean, round off, pave, macadamize, or gravel any road or public square under the control of the council either in whole or in part at the expense of those who are by obliged to maintain the said road, street or public square.

By by-law, order that streets, etc., be maintained, etc., by corporation, etc.

The council may, however, by by-law to that effect, order that the roads and streets shall for the future or for a given time specified in the said by-law, be made and maintained by the corporation, who shall then be substituted in the place of the tax-payers in their duties, obligations and responsibilities with regard thereto.

Maintenance of certain part of certain

**294.** The maintenance of that section or part of the road called " Pin court " from St Louis street in the town

of Terrebonne as far as the stream Viger, which crosses this road to be under control of corporation.  
road in the parish of Terrebonne at a distance of about eighteen arpents from the said street, shall be under the charge of the corporation of the town of Terrebonne and shall be under its immediate and exclusive control so long as it shall be responsible for its maintenance.

#### 4.—Side-walks

**295.** The council may, by by-law :

Oblige the proprietors of land situated on any road, street, square or public way, to make and maintain in front of their properties, side-walks of wood, stone, or other material, in the street or portions of street of the town ;

Council may by, by-law : Oblige proprietors to make side-walk in front of their property ;

**296.** Determine the manner of making and keeping such side-walks in order, and even to have the same entirely or partially made at the expense of the corporation or of the proprietors of the land before which they are made.

Determine manner of making, etc., such side-walks ;

In the latter case, the cost shall be debited to the account of the various proprietors, and such charges shall be considered as municipal dues ;

**297.** Construct and maintain side-walks in the town, and, if necessary levy an assessment therefor upon the interested parties, together with ten per cent to cover the expense and loss incurred in the collection.

Construct side-walks and levy assessment therefor ;

If the council undertakes the construction and repair thereof, it may levy a general assessment for this particular object.

General assessment for such purpose.

**298.** No person can make a side-walk before his property without following the instructions of the town inspector, under the by-laws regulating how and in what manner such side-walk shall be made

Instructions of town inspector to be followed in making side-walks, etc.

In default whereof, the council may cause such side-walk to be uplifted and remake the same if it be necessary to avoid any detrimental irregularities.

In default thereof.

**299.** The council shall regulate and may alter the line, height or level of the town side-walks, provided that, if any person suffer damage thereby, he shall receive compensation to be settled by arbitrators.

Council to regulate line, etc., of side-walks etc.

**300.** The council may compel every proprietor or occupant of lands to remove entirely or partially the ice, snow or water from the side-walks, in front of their property within a specified delay, and in the manner indicated by the council.

Council may compel removal of ice, etc., from side-walks, etc.

- In default. If there be neglect or refusal, the council may have such work done, at the expense of those who are obliged to do it, within the shortest possible delay.
- Cost how recovered. The cost thereof shall be charged to them and shall form part of the municipal dues.

5.—*Ditches, water-courses and fences.*

- Council may : **301.** The council may :  
Cause ditches etc., to be opened, etc. : Cause to be opened dug, enlarged, covered and maintained and have the line altered, of any ditch necessary for drainage, or any boundary or division ditch or any water-course situate in the town or beyond the limits thereof, as the council may deem advisable.
- Determine manner of performing such works : Determine the time and manner of doing such works, as also the persons of the town by whom, or at whose expense, the same shall be made ;
- Levy assessments for ditches and water-courses etc. ; **302.** Levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors of the lands situate within the town and outside of its limits and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or water-course on such lands, and regulate the manner of levying the taxes so imposed ;
- Impose penalties for obstructing ditches and water-courses ; **303.** Impose penalties on any person obstructing, deranging, or suffering the obstruction or derangement, of ditches or water-courses, or refusing to make or suffer to be made, the works ordered by the inspector under the by-laws upon all public or private lands ;
- Carry on at expense of corporation works on ditches, etc. ; **304.** Carry on at the expense of the corporation, for a determined or undetermined period, all works on ditches or water-courses ;
- Raise, etc., money to make, etc., common sewers, etc. ; **305.** Raise, by special assessment, sufficient money to make or repair one or more common sewers in any street, or portion of a street or section of a street, public square or special section determined by the council, from all the owners of lands situate along the line of such sewers ; determine the mode of making such sewers and the manner of collecting the cost thereof, with, in addition, ten per cent for costs of collection, superintendence and other purposes ;
- Order recovery of cost of works on water-courses : **306.** Order by by-law, the recovery of the cost of works on water-courses ; cause all proprietors of lands liable to the payment of the cost to be apportioned, to be designated and assessed ; order works to be done for the

purpose of utilizing old water-courses as common sewers, and determine the sums to be apportioned among the interested proprietors who make use of such works for draining their lands or as common sewers ;

**307.** Regulate and determine when and how line or mitoyen fences shall be made and maintained between land lots and properties in the town; appoint a fence inspector, regulate his duties and compel every one, within the term specified by him, to do such works as he shall require to do under the by-laws under penalty of a fine not exceeding twenty dollars over and above all damages resulting from the insufficiency of such fences. Regulate manner of making line fences, etc. ;

#### 6.—Public pounds.

**308.** Restrain and regulate the custody and abandonment of animals of all kinds and to authorize the detention thereof in public pounds and provide for the sale thereof for the penalty incurred and the costs of prosecution and detention thereof ; Restrain, etc., custody of animals, etc. ;

**309.** Establish public pounds for the safe keeping of animals and poultry found straying or doing damage on the public ways and bridges or on the lands of others than the owners of such animals and poultry ; to appoint pound keepers, determine the fees to be paid to them, the damages payable by owners of such impounded animal and poultry, and the manner in which such animal and poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties, fines and expenses shall not have been paid according to law or the by-laws ; Establish public pounds, etc.

**310.** Establish a tariff of fines not exceeding ten dollars for each animal found straying, and the dues and cost of keep for the public pounds in existence or which shall be hereafter established ; Establish tariff of fines for straying animals ;

**311.** If the proprietor of the animals found straying be known the fine may be levied upon him without having recourse to bringing the animals into the pound or of seizing them. Levy of fine if proprietor known.

On payment of the fine and dues and costs of keeping, every pound keeper is bound to return and give up all straying animals, whether they be in the pound or not, to the proprietor of the said animals. Animals to be given up on payment of fines and dues.

#### 7.—Public market.

**312.** The council may by by-law. Council may by by-law ;  
Erect, change, enlarge, abolish or maintain the public

Erect public markets. markets that now exist or those which shall be established in future and the site thereof, and appoint market clerks and determine their duties ;

Regulate letting of stalls, etc., in markets, etc. ; **313.** Regulate the letting of stalls and other places in or around such markets intended for the sale or exposing for sale, of any kind of articles or produce or certain articles in particular ;

Establish public scales, etc. ; **314.** Establish and maintain public scales and collect the revenue thereof according to article 392 ;

Regulate weights, etc., of produce offered on markets ; **315.** Regulate the weight and measure of all objects or produce offered for sale on the markets and to impose all fees for same ;

Impose duties on waggons, etc., for goods sold on markets ; **316.** Impose duties upon waggons, carts, sleighs, boats, canoes and vehicles of every description in which articles shall be delivered, sold or exposed for sale upon any public market or in any street, or on the wharves, or in wood-yards, or upon any beach within the city, and also regulate the manner in which such articles or vehicles shall be placed for such purposes ;

Prevent sale of beef, etc. elsewhere than in certain places, etc. ; **317.** Prevent any person residing in the town from cutting, retailing or weighing, with a view of selling, any meat, either beef, mutton, lamb, veal, pork or salt-beef, or offering the same for sale elsewhere than in a butcher's stall or in the stall of a dealer in salt provisions in or on the said markets ;

Regulate conduct of persons at markets ; **318.** Regulate the behaviour of every person who sells or offers for sale, buys or endeavors to buy on the said markets ;

Impose tax on persons selling certain articles on roads and markets ; **319.** Impose a tax on all persons who sell, whether on the roads, on the markets or on the market places of the town, provisions, vegetables, butcher's meat, fowls, grain, hay, straw, fire-wood, shingles and other articles ;

Prevent non-residents from selling elsewhere than on markets. **320.** Prevent persons, residing outside the town, bringing produce of any kind, wood or materials, from selling or exposing them elsewhere than on the markets ; and compel all such vendors to pay the dues, tolls, duties and licenses imposed for selling them elsewhere ;

Regulate, etc., hucksters, etc. ; **321.** Restrict and regulate the commerce of hucksters and persons buying articles brought into the town for the purpose of reselling them, and for imposing dues and taxes upon them in the prosecution of their traffic by license or otherwise ;

**322.** Determine in what manner produce and all other articles shall be sold and delivered, whether by quantity, measure or weight; and compel all persons to observe in such matters the by-laws which the council shall hereafter deem useful to establish;

Determine whether certain articles are to be sold by measure, weight or quantity, etc.;

**323.** Regulate the weighing and measuring of all lumber for building purposes, sawn lumber, fire-wood, coal, salt, grain, lime and hay brought or sold in the city by strangers or by persons residing therein;

Regulate measuring of lumber, etc.;

**324.** Authorize the confiscation of all unwholesome or spoilt meat brought to the said markets;

Authorize confiscation of spoilt meat;

**325.** Determine and define the duties and powers of all persons employed in superintending public weighing-houses or markets throughout the town; and confer upon such officers the power of confiscating merchandize, articles and produce in case of fraud as to measure, weight or quality; and determine the manner in which such confiscated articles shall be disposed of;

Determine duties of persons superintending markets, etc.;

**326.** The market clerks of the town shall have full power and authority to enter into yards and lanes for the purpose of recovering and collecting the market fees due for cattle grain, produce, provisions or other articles brought into town to be sold or delivered.

Power of market clerks to enter yards, etc., for certain purposes.

#### 8.—Sale of bread and other articles.

**327.** The council may make by-laws concerning the bakers in the said town and the persons in their service;

Council may: Make by-laws respecting bakers;

**328.** It may regulate the sale, quality and the weight of bread sold or offered for sale in the said town, and provide for the inspecting and weighing of all bread offered for sale and for the seizure, forfeiture and confiscation of all such bread offered for sale in contravention of the said regulations, or bread that may be unwholesome or too light; and to this end it may authorize officers or persons to enter into baker's shops or other places and to stop vehicles carrying bread for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary or that may be deemed advantageous to the public interest, health and safety for the attainment of such object or for causing such by-law to be enforced.

Regulate sale, etc., of bread;

**329.** Compel bakers to place on their bread such marks as the council shall ordain;

Compel bakers to mark bread;

Regulate sale, etc. of milk ; **330.** Regulate the sale, quality and inspection of milk and authorize its seizure and confiscation as in article 328 ;

Regulate sale by weight, etc., of all articles sold ; **331.** Regulate the sale by weight or otherwise of all articles sold or offered for sale or delivered in the town ;

Authorize confiscation of certain articles, etc. ; **332.** Authorize the seizure and confiscation of all or any articles of food and effects offered for sale in the town, on account of deficiency in measure, weight or quality ;

#### 9.—*Carters.*

Authorize granting of licenses to carters, etc. ; **333.** Authorize the granting of licenses to carters and owners and drivers of vehicles for public hire in the town, compel such persons to take out an annual license, and determine everything relating to the better government of carters and their vehicles of public hire ;

Establish tariff of fares for carters ; **334.** Establish a tariff of fares payable to carters for their services ; compel the latter not to exact higher fares than those settled by the tariff, and punish every person who hires, engages or employs a carter and refuses to pay him according to the tariff ;

Compel carters to give services at tariff rates ; **335.** Compel all carters under license to give their services to any person asking the same at the tariff rates ;

#### 10.—*Sale of spirituous liquors.*

Place restrictions upon sale of spirits, etc. ; **336.** Place all proper restriction upon the sale of spirituous, vinous, alcoholic and intoxicating liquors.

Determine conditions etc., under which licenses shall be granted to merchants, etc., for sale of liquors ; **337.** Determine under what restrictions and conditions the collector of provincial revenue for the district of Terrebonne shall grant licenses to merchants, shop-keepers, traders, inn-keepers or other persons for the sale of such liquors ; and fix an amount, at the discretion of the council, not exceeding one hundred dollars, to be paid for each certificate for such license authorizing the sale of such liquors.

Regulate inn-keepers, etc. ; **338.** Regulate inn keepers and other persons who retail liquors as the council may deem expedient in order to prevent drunkenness and disorder ;

Prohibit sales of liquors, etc., to women, etc. **339.** Prohibit the sale of said liquors to women, children, apprentices or servants ;

Council alone to have right to grant certifi. **340.** After the coming into force of this act, the council shall alone have the right to give certificates for obtaining

licenses for inns and houses of public entertainment, and every other license for the sale of spirituous liquors within the limits of the town. licenses for obtaining inn-licenses, etc.

Such certificates shall be signed by the mayor or secretary-treasurer of the town, and bear the seal of the corporation. How signed, etc.

### 11.—*Decency good and morals.*

**341.** The council may :

Regulate, restrict and suppress every kind of gambling and the existence of gambling houses or houses of ill-fame of any kind in the town ; Council may :  
Regulate, etc.  
etc. ;

**342.** Regulate, prohibit or restrict all games with cards or dice or other games of hazard, with or without bets, in any hotel, restaurant, inn or shop, whether licensed or not, in the town ; Regulate  
games with  
cards etc., in  
hotels ;

**343.** Arrest on the spot and punish persons who are found therein while playing at cards or dice or other games of hazard ; Arrest, etc.,  
persons found  
playing cards,  
etc., in hotels ;

**344.** Suppress and punish vagrants, beggars, prostitutes, and disorderly persons ; Punish  
vagrants, etc. ;

**345.** Suppress and close all houses of prostitution or of ill-fame, and arrest and punish the inmates and frequenters thereof ; Suppress  
houses of  
prostitution ;

**346.** Prohibit circuses, theatres or other public exhibitions from being held ; regulate and permit them to be held upon such conditions as may be deemed fit ; and prohibit all spectacle or exhibition tending to affect public safety or morals, of which the council, or, in its default, the mayor, shall be judge ; Prohibit cir-  
cuses, etc. ;

**347.** To prevent cock-fights, dog-fights, and every other cruel amusement ; and punish any person taking part therein or being present thereat. Prevent cock-  
fights, etc. ;

**348.** To prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares in public view unless decently clad. Prevent per-  
sons from ba-  
tling in public  
waters, etc.

### 12.—*Public nuisances.*

**349.** The council may, by by-law :

Compel the proprietors or occupants of houses to clean their stables, cattle-sheds, pig-sties, sheds, privies, and the yards connected with such buildings ; and fix the time Council may  
by by-law :  
Compel pro-  
prietors, etc.,  
to clean sta-  
bles ;

and manner in which they shall be drained and order that they be constantly kept clean ;

Oblige owners, etc., of groceries, etc., to keep them clean ;

**350.** Oblige the owners or occupants of all groceries, cellars, manufactories, tanneries, drains or other unhealthy and fetid places, to keep them clean and render them wholesome ;

Regulate, etc., fattening of pigs ;

**351.** Regulate or prohibit the raising and fattening of pigs within the town ;

Cause to be levelled, etc., old walls, etc ;

**352.** Cause to be levelled, demolished and removed, when it shall be deemed necessary, all old walls, chimneys or buildings of any kind whatsoever which threaten ruin, cause all sheds, stables and other building which are on the line of street to be removed to a distance from the street ; and regulate the time and the manner in which such building shall be levelled, demolished or removed, and by whom the expenses shall be paid ;

Compel owners to drain stagnant waters off lands, etc ;

**353.** Compel every owner or occupant of land in the town, or which there is stagnant water, to drain or raise such land, in such manner that the neighbours be not incommoded or the public health injuriously affected ;

If unknown, corporation to have it done with recourse against owner.

**354.** If the owner of such land is unknown and has no representative in the town, or if he is too poor, or if he refuses or neglects to drain or raise the same, the council may order the drainage or elevation of such land, at the expense of the corporation, reserving recourse against the owner.

### 13.—Public health.

Council may by by-law :  
Prescribe measures to be taken respecting contagious diseases ;

**355.** The council may by by-law :

Pre-cribe the taking of proper measures for securing the inhabitants of the town from contagious or pestilential diseases or for diminishing the danger or effects resulting therefrom ;

Establish boards of health ;

**356.** Establish one or more boards of health and appoint health officers and confer upon such boards all the necessary privileges and authority for the performance of the duties imposed on them or for acquiring every useful information on the progress or general effects of all contagious diseases or for making such regulations as such boards of health may deem necessary for preserving the citizens from any contagious diseases or for diminishing the effects or danger thereof ;

Regulate burials ;

Regulate the burials within the limits of the town of such persons as have died of contagious diseases ;

**357.** Authorize the visiting and examining by such health officers of any house or lot or of any premises whatsoever for the purpose of enforcing the observance of all by-laws, rules and regulations concerning public health and regulations cleanliness in the city, and to punish all persons obstructing, resisting; hindering or opposing or aiding and abetting in obstructing, resisting, hindering or opposing any such health officers in the performance of their duty.

Authorize visiting by health officers of houses, etc.

#### 14.—*Subsidies.*

**358.** The council may :

Council may :

Grant subsidies by all suitable means to agriculture, horticulture, education, hospitals, the sciences, arts, trades and to any manufactures, railway and steamboat companies or owners, under the restrictions hereinafter set forth ;

Grant subsidies to agriculture, etc. ;

**359.** Subsidize one or more railway companies whose line may offer the greatest advantages to the travelling public and for the transport of freight and which may further the progress of the town on suitable conditions ;

Subsidy railway companies ;

**360.** Assist the construction, repair or maintenance of any road leading to the town, or of any bridge or public work outside the town especially one or more bridges over the River Jésus in front or near the town of Terrebonne ;

Assist construction of roads leading to town, etc. ;

**361.** Aid in the building, repair or maintenance of any bridge, causeway, pier, wharf, macadamized or paved road, railway or other public work situate in whole or in part within or without the town, undertaken and built by incorporated companies or by the Provincial Government ;

Aid in building, etc., bridges, piers, etc. ;

**362.** Aid one or more persons or firms or joint stock companies already established or to be established which carry on or propose to carry on any trade or industry in the town, or organized for the purpose of lighting the town with gas or by electricity or of improving the navigation of the River Jésus.

Aid in carrying on any trade, etc., or for lighting town.

**363.** The council may agree with any person, firm, association or company, which has already established or proposes to establish any industry or manufacture, to accept a certain sum, payable annually, for a period not exceeding ten years, as commutation for all taxes on the property occupied for such industry as well as on such industry itself;

Council may commute taxes with any persons carrying on any industries.

It may also, with a view of encouraging such industry or manufacture, exempt such property or industry from all taxes for a period not exceeding ten years

Exempt such industry from taxes, etc

Council may exempt any new industry from taxation.

**364.** The council may, by by-law, exempt from municipal taxes, in whole or in part, for a period not exceeding ten years, any industry, trade, manufacture or factory to be established within the limits of the town, as well as the land and immoveables required for the use of such industry, trade, manufacture or factory.

Exemption not to extend to certain works.

No exemption can extend to the work to be done or apportionments for work to be done to water-courses, drains, ditches, fences, front roads or streets or for the use of water.

How subsidies may be granted.

**365.** The aforesaid subsidies may be granted :

1 By taking, subscribing and paying for, in money or debentures of the town, shares in companies already formed or projected and for which such subsidies are intended ;

2. By giving or lending money, immoveable property or debentures of the town bearing interest, or both interest and sinking fund ;

3. By guaranteeing, by endorsement or otherwise, any sum of money borrowed by such persons or companies or by the said Government.

Notwithstanding any law to the contrary, the council may effect any sum of money that it may receive from the municipal loan fund for the payment of such grants.

Security may be received for such subsidies.

**366.** When the council grants a subsidy in virtue of this act, it may receive hypothecary or other security for the performance of the conditions contained in the by-laws passed to that effect.

What by-laws may include.

**367.** Every by-law passed in virtue of this act may include the levying and collection of a special tax upon all the taxable property to cover the sinking fund and interest which shall not exceed the legal rate

By-laws under certain articles, etc., what to determine.

**368.** By-laws, made in virtue of articles 358 to 362, inclusively, and 365 and paragraph 4 of article 245, shall determine the nature of the aid to be given and the conditions under which it shall be granted.

By-laws under certain articles remain in force for twelve months, etc.

**369.** By-laws, made in virtue of articles 358 to 362, inclusively, and 365 and paragraph 4 of article 245, remain in force for twelve months after they are finally adopted ; they become null if, during that time, the interested parties do not avail themselves of them, unless it be otherwise provided in the by-laws themselves.

Submission of by-laws under certain articles to electors.

**370.** Every by-law made in virtue of articles 358 to 362, inclusively, and 365 and paragraph 4 of article 245, shall be submitted for the approval of the municipal electors who are real estate owners within thirty days after the by-law

is passed by the council, in accordance with articles 228 and following.

**371.** In cases where those who have received a subsidy from the town do not comply or cease to comply with the conditions and guarantees stipulated by the by-law, the council may recover the amount of the loan or subsidy so granted or the value thereof by privilege upon the moveables and immoveables of the manufacturers or companies as in the case of a municipal tax and with the same preference, unless it specially renounces to such privilege.

If parties receiving subsidy do not comply with conditions

15.—*In llemities, reliefs and rewards.*

**372.** The council may indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled within the limits of the town.

Council may indemnify persons for property destroyed by rioters.

The council is authorized to levy, over and above any other tax, on the taxable property of the town, the amount which the corporation may be bound to pay for damages occasioned to property by rioters or persons riotously assembled.

Special assessment for such purpose.

In default of the council paying such damages within six months according to the award of arbiters, the corporation may be sued before any competent court for the damages so occasioned.

Suit if corporation fails to pay, etc., in certain time.

**373.** The council may :

Relieve any person who has received any wound or contracted any sickness or disease working to stop the fire ;

Council may :  
relieve persons ;

**374.** Grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or endeavors to save any one from drowning, or endeavoring, to save any one from a serious accident ;

Grant rewards for meritorious actions at fires, etc ;

**375.** Provide for the wants of the family of any person who loses his life at a fire, or while saving or who saves or endeavors to save the life of a fellow creature ;

Provide for wants of family of persons losing life at fires, etc ;

**376.** Contribute to the maintenance or support of poor persons residing in the town who, from infirmity, age or other causes, are unable to earn their own livelihood, and exempt them from the payment of taxes and water-rates ;

Contribute to maintenance of poor persons ;

**377.** Establish and maintain poor houses, houses of refuge or other establishments for the support and relief of the destitute, and to aid charitable and educational institutions established in the town ;

Establish, etc., poor houses ;

Offer rewards  
for discovery  
etc., of  
offenders.

**378.** Offer and give rewards for the discovery and arrest of persons who have committed criminal offences.

16.—*Miscellaneous by-laws.*

Council may ;

**379.** The council may :

Prevent  
horses being  
driven faster  
than certain  
rate, etc ;

Prevent horses being driven faster than at a moderate rate in the streets or passing on the sidewalks, and may regulate the manner in which horses shall be left standing, whether tied or free, in the streets, yards or open sheds in the town ;

Penalty on  
persons  
driving horses  
without bells,  
etc., in  
winter.

During the winter season, whosoever shall drive any horse or beast of burden, whether it be ridden or harnessed to any vehicle, through the streets of the town without bells being attached to such horses or its harness for the purpose of warning foot-passengers, shall be liable to a fine of at least five dollars with the cost of suit and, in default of payment of the fine and costs, to an imprisonment not exceeding fifteen days ;

Prevent riots,  
etc ;

**380.** Prevent all riots and noisy and disorderly meetings and punish the authors thereof ;

Consent re-  
quired to hold  
public meet-  
ings ;

No public meeting shall be convened or held within the limits of the jurisdiction of the council upon any public property or square without the consent of the mayor or council ;

Regulate etc.,  
keeping of  
streets in  
winter ;

**381.** Regulate and determine the manner in which the streets shall be kept during the winter season by the council or by those persons who are obliged so to do ;

Prevent im-  
peding of  
streets, etc ;

**382.** Prevent the impeding any street, public place or sidewalk, by vehicles, wheelbarrows, materials or any impediment whatever ;

Prohibit use  
of winter  
vehicles in  
streets unless  
horses harnes-  
sed in certain  
way, etc ;

**383.** Prohibit the use of winter vehicles in the streets of the city, unless the horse or horses or other animals, when not harnessed in pairs, are so harnessed that the left runner of the vehicle shall follow the track of such horse or horses or other animals ; and regulate moreover the length and breadth of the vehicles to be used on the roads ; and in such case no person shall be allowed to make use of winter vehicles other than those above mentioned ;

Prevent  
burials in  
town ;

**384.** Prevent burials within the limits of the town, or determine the place where they may be made, as well as the places where vaults can be constructed, and regulate how such vaults shall be constructed ;

Prevent pro-  
fanation of  
burial  
grounds ;

**385.** Preventing the profanation of burying grounds, graves, sepulchres, monuments or vaults where the dead are buried ;

**386.** Prevent the ill-treatment of horses or other animals ;

Prevent ill-treatment of horses, etc ;

**387.** Regulate the conduct of apprentices, servants, hired persons, day-laborers or journeymen, whether they be of age or minors towards their masters or mistresses, and the conduct of masters and mistresses towards the former ;

Regulate conduct of apprentices, etc ;

**388.** Regulate and prevent the allowing of dogs to go at large in the city, and authorize the impounding and the destruction of all dogs wandering at large, and the destruction of dogs whose owners reside in the town and have not paid the tax thereon, or of dogs kept in contravention of the by-law of the council ;

Regulate dogs, etc ;

**389.** Establish, regulate and maintain drinking fountains and public privies ;

Establish drinking fountains ;

Prevent retailing of merchandize or any articles on the streets.

Prevent sale, etc., of goods in streets.

**390.** The council may adopt by-laws for the purpose of selling building lots or for opening streets when the want therefor shall be felt upon such conditions as the council shall deem advisable to establish, notwithstanding any law to the contrary.

Power to sell building lots and open streets, etc.

**391.** The council may, by by-law, divide the town into lots, and compel all the proprietors, tenants or occupants, to allow numbers to be put on their houses or on such lots, and punish by fine, not exceeding twenty dollars and in default of payment thereof by imprisonment for not more than one month, all such persons as shall remove or destroy such numbers.

Council may divide town into lots, and compel proprietors to allow numbers to be put on their houses, etc.

**392.** The council may erect weigh houses or public scales ; determine the charge for the use of the same ; compel all who sell by weight hay, straw, coal, grain or other effects in the town, to have them weighed by the person in charge of the administration of such scales if the buyer require it ; and prohibit any one in the town from weighing for another any of the said effects under penalty of a fine of not more than five dollars for each offence and in default of payment thereof to imprisonment for not more than one month.

Council may erect weigh houses etc.

*17.—Formation of a police force, maintaining the peace, and carrying out the by-laws*

**393.** The council may establish, regulate arm, lodge, clothe and pay a police force in the town, and determine the duties of the officers and men of such force and con-

Council may establish, etc., police force.

stables for maintaining peace and good order and for the observance of the municipal by-laws within the limits of the jurisdiction of the council.

Powers of constables.

**394.** All the constables have the necessary powers for the performance of the duties imposed on them within the limits of the town.

Punishment of constables for disobedience, etc.

**395.** Every constable, policeman or police officer, who is guilty of disobedience, insubordination, drunkenness, neglect, bad conduct, abuse of power, partiality or malfeasance in the performance of the duties imposed on him by law, incurs, upon conviction of such offence before a magistrate, a fine not exceeding forty dollars.

Suspension of constables, &c.

**396.** The mayor or the council may suspend or dismiss any constable who is guilty as aforesaid.

No police officer or constable, who is so dismissed, can thereafter serve in the police force.

Power of constables to arrest on view disturbers of the public peace, &c.

**397.** All constables may arrest, on view and without a warrant, any person they may find breaking the public peace, or lying, wandering, or loitering, either during the night or daytime, in any highway, field, yard or other place, or lodging or sleeping in any barn, out-house or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk, shouting, swearing or causing tumult on the public roads or highways, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any federal or provincial law, or any-law of the said town.

They may also arrest, on view and without a warrant, any such persons immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence.

Power to arrest offenders against laws or by-laws.

**398.** They shall have also the power and authority to arrest, even without the limits of the town, all persons who shall have contravened any federal or provincial law, or any by-law of the town, or who shall have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law or any such by-law.

Power to enter houses, etc., for certain purposes, &c.

**399.** It shall be lawful for any constable of the town to go into every house, store-house, grocery, store, shop, inn or other suspicious house, and to go into every yard or other place within the limits of the town, in which any person may be reasonably suspected to be for evil motives, or when there is reason to believe that some stolen articles have been hidden or received therein; and if any such per-

son be found in such places, the same police officers or constables shall arrest, on view and without a warrant, and shall keep in custody any such person.

**100.** Any constable shall also have power and authority to go into every inn, hotel and shop licensed for the sale of spirituous, vinous or fermented liquors, to ascertain if the laws or the by-laws regulating such houses be faithfully observed, and to arrest, on view and without a warrant, all such persons whom they may find in such houses contravening any laws or by-laws. Power to enter inns, etc., for certain purposes.

**101.** The constables shall have power and authority to serve all special notices and to publish all public notices, in accordance with the various provisions of this act; and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect. Power to serve special notices.

**102.** Any constable may, and shall if he is so required by the mayor or by another member of the council, or by the council itself, apprehend and arrest on view, without warrant, all persons found contravening the provisions of any by laws of the council punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law. Constables to arrest persons contravening by-laws, etc.

**103.** It shall be lawful for any one of the members of the council, individually, to order the immediate apprehension of any drunken, disorderly or riotous person whom he shall find disturbing the public peace within the said town, and to confine him in the common gaol of the district, or other place of confinement, in order that such person may be secured until he can be brought before a justice of the peace, to be dealt with according to law. Members of council may order arrest of drunken persons.

**104.** Every person, who shall assault, beat or forcibly resist any constable or peace officer engaged in the execution of his duty, or who shall aid or incite any other person to assault, beat, or forcibly resist such officer or constable, shall, upon conviction thereof before a justice of the peace, be liable to a fine of from four to forty dollars or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary. Penalty for assaulting, etc., constables in performance of duty, etc.

It shall be lawful for the council or such constable, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted. Proceedings by indictment.

**105.** Any constable may arrest on view, either by day or night, any one infringing any of the by-laws, by refusing Arrest of persons refusing to pay carters.

to pay the hire of any licensed carter's vehicle, and to bring him immediately before a magistrate, if it be in day-time, or to hand over such person to the guardian of the prison or other place of detention, if it be at night, to be afterwards dealt with according to law.

Constables may, when ordered, enter houses, etc., for certain purposes.

**406.** Upon an order of the council or the mayor, any constable may enter upon, inspect and examine, at any hour of the day or night, any moveable or immoveable property, the interior or exterior of any yard, house, or building whatsoever, in order to ascertain whether the by-laws of the council are observed, or for the purpose of arresting any one.

Owners, etc., to permit such entry.

The owners or occupants of such moveables or immoveables are bound to receive and admit such constable under penalty of a fine not exceeding forty dollars.

Conveyance of persons arrested to lock-up or gaol.

**407.** Any such persons, summarily arrested in virtue of this act, shall be immediately conveyed to the gaol of the district or to a place of confinement established in the town, there to be safely kept until they may be taken before one or two justices of the peace; but such persons so arrested may give bail for their appearance, and shall appear on the day appointed.

Bail.

Sheriff and gaoler to receive and guard persons so committed.

**408.** The sheriff and gaoler of the district of Terrebonne shall be bound to receive, and safely keep until duly discharged, all persons committed to their charge by the said council, or any member or officer thereof under the authority thereof, or upon a warrant of the recorder, or arrested by a policeman or constable.

Council may erect building for lock-up.

**409.** The council may erect a building or obtain a suitable place for a lock-up for the temporary confinement of offenders arrested by police constables; and determine what supervision shall be exercised over the persons so confined, until such time as they are brought before the proper authority, to answer to the charges and offences for which they were arrested and confined.

## TITLE VIII.

### LIGHTING OF THE TOWN.

Council may, by by-law, provide for lighting of town.

**410.** The corporation may by by-law provide for the lighting of the town in whatever manner it shall deem expedient.

Council may compel proprietors to permit works

**411.** The council may compel the proprietors of real estate in the city to allow the necessary work for the purpose to be done on their respective properties, and to allow

all the pipes, lamps and apparatus or posts to be placed upon their houses; provided that, in such case, the expense of the materials and work shall be borne by the town, that the solidity of the buildings be in no wise affected, that all damages which may be caused be paid by the council, and that every proprietor be indemnified by the town, if there be occasion therefor, or by the private individuals or company performing such work.

**412.** The council may adopt any means of protecting the pipes, lamps, apparatus, posts or other objects used in the lighting, and impose fines upon such persons as shall break, injure, derange or destroy or extinguish the lamps without authority.

Council may adopt means for protecting pipes and impose fines for breaking same, etc.

## TITLE IX.

### WATER SUPPLY.

**413.** The council may from time to time make, repeal or amend by-laws to:

1. Provide for the establishment, maintenance and management of water-works, public wells, cisterns or reservoirs to supply water to the town;

2. Prevent the public water being fouled or expended uselessly or contrary to the municipal by-laws;

3. Regulate the use of such water according to circumstances;

4. Prevent any person from giving such water to, or permitting it to be taken by, any person from whom the council has cut it off.

Council may make, etc., by, laws to:

Provide for establishment etc. of water-works, etc.

Prevent public water from being fouled, etc.; Regulate use of water;

Prevent persons giving water to those from whom it has been cut off.

**414.** The council may, by by-law, with the object of meeting the interest on the sums expended in the construction of water-works, and for establishing a sinking fund, impose upon all the owners or occupants of houses, shops or other buildings, an annual special tax not exceeding one quarter per cent the rate specified in the charter, on the assessed value of each such house, shop or building including the land.

The sinking fund created by virtue of this article shall be invested and managed in the same manner as that mentioned in article 428.

Council may levy special tax for meeting interest on expended for water-works.

Investment of sinking fund.

**415.** Such tax is imposed and levied, even in the case of the owners or occupants not availing themselves of water from the water works, provided that the corporation has notified such owners or occupants that it is prepared at its own expense to bring the water into or near their respective houses, shops or buildings.

When tax levied.

Proviso.

Compensation  
for water.

**416.** The council may, by by-law and over and above the special tax, cause to be paid a compensation, calculated according to such tariff as it shall deem proper, by every owner, tenant or occupant of any house, shop or building, whether or not the latter avail themselves of the water, provided that a notice is served on them to the effect, that it is prepared to bring the water at its own expense into or near their houses, shop or buildings; but this article or provision shall not apply to property already provided with private water-works.

Authorization  
required to  
construct  
water-work.  
Separate pipes  
for tenants,  
etc

No water-works shall be hereafter constructed without the authorization of the town council.

Every owner, having one or more tenants, sub-tenants or occupants, is liable for the payment of such compensation, in the event of his refusing or neglecting to furnish a distinct and separate supply pipe to such tenant, sub-tenant or occupant.

Special  
agreements  
with brewers,  
etc.

**417.** The council may make special agreements with respect to supplying water to steam-engines, breweries, distilleries, tanneries, manufactories, mills, livery-stables, and hotels, as also in other special cases.

Special tax,  
etc., how  
levied.

**418.** The special tax and the compensation imposed under articles 417 and 419 shall be levied according to the rules and in the manner prescribed for general taxes

Special  
agreements to  
supply water  
beyond  
municipality.

**419.** The council may also make special agreements for the supply of water beyond the limits of the municipality, provided that the persons with whom such agreements are made comply with the by-laws respecting the management of the water-works.

Council may  
compel owner,  
etc., to permit  
of works being  
performed.

**420.** The council may oblige the owners or occupants of lands, situate within the municipality or beyond its limits, to permit the work necessary for the construction and maintenance of the water-works to be executed upon their properties, saving indemnity for actual damage sustained as settled by experts.

Plan to be  
submitted to  
Lieutenant-  
Governor for  
approval.

A plan, indicating the manner in which the properties shall be crossed by the pipes, shall be prepared and previously submitted for the approval of the Lieutenant-Governor in council.

Power of  
officers of  
water-works  
to enter  
houses, etc.,  
for certain  
purposes.

**421.** The officers appointed for the administration of the water-works may enter into any house or building whatsoever or upon any property, whether situated within or without the limits of the town, for the purpose of satisfying themselves that the water is not wasted or that the by-laws relative to the water-works are faithfully carried out.

It is the duty of the owners or occupants of any such house building or property to allow the officers to make such visit or examination. Owners, etc., to permit of such entry.

The water may be cut off from any person refusing to receive the officers so long as he shall continue to refuse. Water may be cut off in case of refusal.

**422.** The council may cut off the water supply from any person refusing or neglecting to pay the special tax or compensation for the use of the water, as also from all persons who allow the water to be wasted. Water may be cut off from persons not paying water tax, etc.

**423.** All such persons as shall have had the water cut off, for one of the reasons given in the two preceding articles, shall remain liable, nevertheless, for the special annual assessment and for the compensation exacted for its use in the same manner as though they were using it. Liability for rate although water cut off, etc.

**424.** The corporation is not bound to guarantee the quantity of water to be supplied under the authority of this title, and no person shall refuse, on account of the insufficiency of the water supply, to pay the annual special tax and the compensation for the use of the water. Quantity of water not to be guaranteed.

**425.** The council may by by-law transfer its rights and powers respecting the water supply to any company, person or a sociation of persons willing to undertake the same, provided that such company, person or association of persons do not exact higher rates, for the use of the water, than those approved by by-law of the council. Transfer of corporation rights to any company etc. proviso.

## TITLE X.

### LOANS.

**426.** The council may borrow, from time to time, various sums of money, for the purpose of paying its debts, building markets, draining its streets, establishing water-works, macadamized or other roads, making grants, or making improvements in the town and generally for all objects within the scope of its authority. Power of council to borrow money for certain purposes, etc.

**427.** Whenever the council shall contract a loan, it shall immediately provide, from and out of the revenues of the corporation, for the payment of the annual interest and for the establishment of a sinking fund of at least two per cent per annum. Interest and sinking fund to be also provided for.

The annual rate of interest shall in no case exceed the legal rate. Rate of interest.

**428.** The sinking fund shall be invested in the purchase of public securities of the Dominion or of the Province, Investment of sinking fund.

or in the redemption of the bonds issued by the corporation, or may be deposited in a savings bank at the time when the interest on the loans is paid.

For what time  
to be invested.

The sinking fund shall remain deposited with the interest accruing thereon, until such fund shall equal the amount of capital to be paid off.

Payment of  
sinking fund  
to lenders.

**429.** The council may, if the lenders consent thereto, or require the same, deposit in their hands the sums intended for such sinking fund.

Receipts in  
such case.

In such case, the receipts given to the council shall be so drawn as to define what amount shall have been given for interest, and what amount paid for the sinking fund.

Loans to be  
contracted by  
issue of  
debentures.

**430.** The council may contract its loans by an issue of debentures, signed by the mayor and countersigned by the secretary-treasurer and bearing the seal of the corporation.

Debentures  
how payable.  
Interest  
thereon.

Such debentures are made payable to bearer at the periods fixed by the council, with interest payable on the first days of the months of May and November in each year, at any rate of interest not exceeding the legal rate.

Coupons  
or interest.

**431.** Coupons to the amount of the half yearly interest, signed by the mayor and countersigned by the secretary-treasurer, and payable to bearer at the period the interest specified therein falls due, may be annexed to each debenture.

Possession of  
coupons by  
secretary-  
treasurer  
proof that  
interest paid.

At the time of payment, the coupons are handed to the secretary-treasurer, and the possession by such officer of any coupon is *prima facie* evidence that the half yearly interest specified therein has been paid.

General  
funds of cor-  
poration pay  
principal, etc.,  
of loans.

**432.** The principal and interest of every debenture issued by the council are paid by the general funds of the corporation.

Loans to be  
made by by-  
law only.

**433.** Loans, except those made under the latter part of article 20, whether by the issue of debentures or otherwise, are only made under a by-law of the council to that effect, approved by a majority in number and in real value of the proprietors who are municipal electors according to article 228 and following.

Approval of  
by-law by  
electors.

When interest  
and sinking  
absorb half of  
revenue no  
new loan to  
be incurred  
without  
special autho-  
rization, etc.

**434.** When the interest and the sinking fund of the sums borrowed by the corporation absorb half the revenue of the town, the council shall not in any case contract a new loan without having been specially authorized there- to by the Lieutenant Governor in council, and moreover without having obtained the approval of the majority in number and in real value of the proprietors who are municipal electors.

Every by-law, authorizing a loan by virtue of this article, shall levy an annual special tax sufficient for the payment of the interest for each year and of one per cent per annum at least as sinking fund until the debt is extinguished.

By-law authorizing loan to levy special tax for payment of interest, etc.

## TITLE XI.

### VALUATION AND ASSESSMENT ROLL.

**435.** The assessors shall make, within the delay and in the manner prescribed by the council, the valuation of all the taxable property in the town according to their actual value.

How and when valuation is made.

The assessors, in the performance of their duties, may require the services of the secretary-treasurer or any other clerk, who shall be paid, for every day's occupation, a sum not exceeding two dollars payable by the council upon the certificate of the assessors.

Clerk may be employed.

His remuneration.

**436.** When the assessors shall have valued all the taxable property in the town, they shall forward the valuation roll to the secretary-treasurer who shall produce it at the next meeting of the council.

Valuation when completed to be furnished to secretary-treasurer.

From the date of such meeting, the roll is and remains deposited in the office of the secretary-treasurer during one month.

To be deposited in office.

During that time it shall be open for inspection by any person whose property has been assessed, or by the representative of such person.

Open for inspection.

Notice of the day of such deposit shall be given by the secretary-treasurer in the same manner as for the election of councillors.

Notice of deposit to be given.

Every iron railway or wooden railway company, possessing real estate in the municipality, shall transmit to the office of the council, in the month of May in each year, a return showing the actual value of their estate in the municipality, not including the land occupied by the road itself; and also the actual value of the land occupied by the road estimated according to the average value of land in the locality.

Statement of value of property to be furnished by railway company, and forwarded to office of council in May in each year, etc.

Such return must be communicated to the valuers by the secretary-treasurer in due time.

Return to be communicated to valuers.

The valuers, in making the valuation of the taxable property in the municipality, shall value the real estate of such company according to the value specified in the return furnished by the company.

How such property shall be valued if return furnished;

If such return has not been transmitted in the time prescribed, the valuation of all the immoveable property belonging to the company shall be made in the same manner as that of any other rate-payer.

If not furnished.

## Complaints.

**437.** Any person feeling aggrieved may, within such delay, give notice in writing to the secretary-treasurer of his intention to appeal to the council to complain of such valuation, and the appeal shall be heard by the council at its first meeting after the expiration of the said period of one month.

## Hearing of complaints.

**438.** The council, after having heard the assessors, the parties and their witnesses, under oath administered by the mayor or the presiding councillor or by the secretary-treasurer, shall maintain, increase or diminish the assessment complained of, as it shall deem right.

## Amendment of roll, etc.

The council may amend any assessment, even without a demand or complaint to that effect, by determining a proper figure for the valuation of any taxable property which it shall consider over or under valued according to its annual or real value, or by correcting the names of persons therein inscribed, or the designation of land therein mentioned or by inserting anything that the assessors have omitted, provided that notice has been previously given to the interested party.

## Proviso.

## Closing of roll.

At the same meeting, the assessment roll shall be declared closed for two years, unless the council shall have to adjourn on account of the number of claims or for other reason, in which case the roll shall be only declared closed after the hearing and the adjudging of every claim.

## Diminution of value of property after closing of roll.

**439.** If after the valuation roll of real estate shall have been declared closed, any property shall be considerably diminished in value, either by fire, the pulling down of buildings, accidents or any other cause, the council may, on petition from the owner, cause the valuation of such property to be reduced to its actual value.

## Omission of property from roll, etc.

If any omission has been made in the assessment roll, or if any new building, tending to increase the value of real property, shall have been erected subsequently to the closing of the valuation roll, or if one or more lots have been detached from farms or lands under cultivation and sold as town lots after the closing of such roll, the council may order the assessors to value any property, so omitted or detached or sold as town lots or increased in value as aforesaid, for the purposes of adding it to the supplementary roll.

## Valuation of stocks in trade.

**440.** The assessors are obliged annually upon the order of the council, to value all stocks of merchandize possessed in the town.

## Entry of omitted persons, etc., on supplementary roll.

**441.** The council may, at any time, after the closing of the roll, cause all persons, or all taxable property omitted from the roll, as well as all taxable property added afterwards, to

be assessed entirely or proportionately, so as to be entered on a supplementary roll which shall be opened by the secretary-treasurer.

**442.** After every change of owner or occupant of any land set forth in the valuation roll in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one; and the said council shall, within the shortest possible delay after the coming into force of this law, enter on the valuation roll every elector qualified under article 148.

Change of owners of land, etc.

**443.** Every proprietor, tenant or occupant of any assessable property or object, shall be obliged to answer correctly all questions put to him by the assessors upon this subject, and to give all necessary and possible information.

Proprietors, etc., to answer correctly to assessors.

In the case where the said proprietor, tenant or occupant should refuse to answer the questions put to him, or, if the answers he has given on any subject or matter of information which is required to be inserted upon the roll be false or incorrect, he shall be liable to a fine of not more than twenty dollars, and not less than five dollars, or to imprisonment for not more than one calendar month;

Fines for incorrectly answering, etc.

Shall also be liable to the fine, all such proprietors or agents who knowingly give to a tenant a certificate or receipt purporting to be for a less amount than the real rent paid for property for which such rent is paid, and every tenant who produces such certificate or receipt before the assessors in order to induce them to lower their assessment, and every proprietor agent or tenant who directly or indirectly lead the assessors into error with regard to such rent.

Fines for giving tenant certificate establishing falsely amount of rent, etc.

**444.** There shall be an appeal to the Circuit Court, in the district of Terrebonne:

Appeal to Circuit Court:

1. From all resolutions or decisions rendered or passed by the council, under articles 438, 439, 441 and 442, touching the valuation roll, whether the decision of the council be rendered on its own motion or on a complaint laid before it;

From resolutions, etc., under articles 438, 439, 441 and 442;

2. From any refusal or neglect on the part of the council to consider a complaint made under the said articles.

From refusal of council to consider such complaints.

Such appeal is taken, proceeded with and decided in accordance with the provisions of articles 1063 to 1079, inclusively, of the Municipal Code, which shall apply *mutatis mutandis*.

Appeals how taken and proceeded with.

## TITLE XII.

## TAXES.

## SECTION I.

## NON-TAXABLE PROPERTY,

- 445.** The following property is exempt from taxation :
- |   |  |
|---|--|
| Property exempt from taxation :<br>Her Majesty's property ; | 1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person, in trust for the service of Her Majesty, Her Heirs and Successors ;   |
| Government property ;<br>Churches, etc ;                    | 2 All Federal and Provincial property and buildings ;<br>3. Every place of public worship, presbytery and its dependencies, and every burying-ground ;   |
| Public schools etc ;  | 4. Every public school-house and the ground on which the same is constructed ;   |
| Certain educational establishments,                         | 5. Every educational establishment subsidized by the state or by the town, and the ground on which the same is constructed ;   |
| Hospitals, etc.   | 6. All buildings, ground and property occupied or possessed by hospitals or other charitable or educational establishments ; but properties in the possession of such religious, charitable, or educational establishments for purposes of revenue shall not be exempt from taxation ; |
| Court house, etc.   | 7. Every court house and district gaol and the grounds attached thereto.   |
- Exception.** However, this exemption shall not extend to lots, or to buildings built upon lots, leased or occupied by tenants under government in the said city ; and such lands belonging to the government, occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessment shall be paid by the said tenants or occupants thereof, as expressly assessed upon them personally.
- Further exception.** The proprietors of properties mentioned in paragraphs 4, 5, 6 and 7 shall, nevertheless, be bound for the works of making and maintaining roads, streets, water-courses, ditches, drains, side-walks, water supply and lighting, according to the by-laws and shall be liable for all special taxes for such purposes and for the compensation for the use of water.

## SECTION II.

## IMPOSITION OF TAXES.

- 446.** In order to raise the necessary funds to meet the expenses of the council, and to effect all necessary and beneficial public improvements in the town, for the management of the property of the town, and to cover the
- Power to levy certain assessments for certain purposes upon :

expenses of administration, generally, incurred in the interest of the town, the council shall have the right to levy annually, upon persons and moveable and immoveable property in the town all general and special taxes contributions, licenses and other imposts, as hereinafter designated :

1. Upon every lot, town lot or part of a lot, with all the buildings thereon erected, if any there be, a sum not exceeding one cent in the dollar on the total value, as shewn on the valuation roll ;

2. Upon every tenant paying rent in the town, an annual sum not exceeding five cents in the dollar on the amount of the rent shown on the valuation roll, or of the annual value of the immoveable property occupied by him.

3. On the following moveable property, a sum not exceeding one half of a cent in the dollar at the value hereinafter specified :

a. Every stallion kept for covering mares shall be rated at four hundred dollars ;

b. Every horse kept for hire, at sixty dollars.

c. Every horse above the age of three years kept for domestic purposes, at forty dollars ;

d. Every bull, at fifty dollars ;

e. Every ram, at twenty dollars ;

f. Every head of horned cattle aged two years at least, at twenty dollars ;

g. Every covered carriage with four wheels, at two hundred dollars ;

h. Every covered four wheeled vehicle, with two or more seats, at eighty dollars ;

i. Every open four wheeled vehicle, with two or more seats, at forty dollars ;

j. Every cabriolet or light waggon, with one seat, at forty dollars ;

k. Every sleigh, for two or more horses, at eighty dollars ;

l. Every sleigh, for one horse, at forty dollars.

All winter or summer vehicles intended and used for transporting goods and produce, known as working vehicles, and all horses, implements and articles employed in agriculture or intended for farm work, are exempt from all taxes whatsoever.

**447.** The council may also, by by-law, determine, impose and levy certain annual dues and taxes :

Upon every proprietor or occupant of a house of public entertainment, private boarding house, inn, coffee-house and restaurant ; upon every retailer of spirituous, vinous or fermented liquors ; upon every hawker or pedlar selling any articles whatsoever in the town ; upon every proprietor, possessor, agent and manager of theatres, circuses, menageries and other such like exhibitions, billiards, bowl-

Council may  
levy taxes  
upon :

Proprietors of  
public houses  
etc., and cer-  
tain trades  
and callings ;

ing-alleys and other games and amusements of any kind whatsoever ; upon every auctioneer, grocer, baker, butcher, hawker, huckster, carter, livery-stable keeper, brewer, distiller and bottler ; upon every trader, manufacturer and their agents ; upon every proprietor or keeper of a coal or wood-yard and slaughter house ; upon every broker, exchange broker and pawnbroker and their agents ; upon every banker, bank and bank agent ; upon all insurance companies and their agents : upon all commission merchants and their employees ; upon all telegraph and telephone companies and their agents or operators ; upon all manufacturers of ginger-beer, spruce-beer, and root-beer and their agents ; upon all brick manufacturers, lumber merchants, proprietors or occupants of mills driven by water, or steam power, and tanneries ; upon all heavy scales ; upon all bailiffs and druggists residing in the town ; and generally upon all commerce, industries, occupations, arts, trades and professions carried on or followed by all persons, firms or companies, either on their own account or as agents for others, and upon the premises in or upon which they are or may be carried on or followed.

Certain professions, &c.

All persons having an office in the town and practising therein the profession of advocate, physician, surveyor, notary, dentist, surgeon, oculist, accountant, photographic artist, business agent, veterinary surgeon, architect or civil engineer, shall pay an annual tax of three dollars.

Appointment of persons to make roll under articles 446 and 447

**448.** The council may appoint one or more persons to make the roll of persons and moveable property mentioned in articles 446 and 447.

Tax under article 447 may be levied by licenses upon :

Transient traders ;

**449.** The tax imposed under article 447 may be so imposed and levied by means of a license (or permit), according to the discretion of the council, signed by the secretary-treasurer upon the following persons :

Pedlars, etc ;

1. Every person who shall come temporarily into the town for the purpose of selling, or causing to be sold, bankrupt stocks or other goods, merchandise and articles of trade, either by public auction or by private sale ;

Bankers, etc ;

2. Every pedlar, not residing in the town, who retails, offers for sale or hawks about any kind of merchandise and articles of trade, or causes to be sold, retailed, hawked about, or offered for sale any such merchandise or articles of trade of whatever kind they may be, such sum as the council may ordain ;

Butchers, &c.

3. Every banker, broker, merchant, wholesale and retail traders, (except persons selling spirituous liquors who are otherwise provided for ;)

4. Every butcher, carter and public driver.

**450.** The amount to be fixed for such licenses shall be in proportion to the extent of business done by the party bound to take out such license, and is determined by the council at its discretion; however, the price cannot exceed twenty dollars in the case of paragraphs 1, 2 and 3 of article 449, and twelve dollars in the case of paragraph 4 of the same article.

Amount of license, etc., in proportion to business done.

No license can be granted for a longer period than twelve months.

License to be for twelve months. Conditions of license.

The council grants such license on such conditions, obligations and restrictions as it may ordain.

Every one bound to take out a license shall not carry on any commerce, business or trade in the town without such license under penalty of a fine not exceeding fifty dollars, and in default of payment imprisonment not exceeding two months.

Fine for not taking out license when required.

**451.** The tax imposed under and in virtue of article 447 upon every proprietor, possessor, agent and manager of theatres, circuses, menageries and such like exhibitions, may likewise be imposed and levied by means of a license according to the preceding articles.

Taxes upon theatres, etc., may be levied by license, etc.

The amount of the license may be levied, if not paid upon demand to the secretary-treasurer or such other municipal officer as may be authorized, on all moveables and effects, even those exempt from seizure, found in the possession of every person connected with such theatre, circus, menagerie or other exhibition, upon a warrant of attachment signed by the mayor or by a justice of the peace of the town and addressed to a bailiff of the superior court;

If license not paid for, distress may issue.

The moveables and effects are seized and sold by the said bailiff, until he shall have raised an amount sufficient to cover the price of the said license and costs in accordance with the rules of the Code of Civil Procedure for the execution of a writ of *feri facias de bonis* issued from the Circuit Court.

Sale of moveables under distress warrant.

### SECTION III.

#### COLLECTION OF TAXES.

##### § 1.—General provisions.

**452.** All municipal taxes, imposed on any immoveable property, may be collected from the tenant, occupant or other possessor of such land, as well as from the owner thereof, or from any subsequent purchaser of such land, even when such tenant, occupant, possessor or purchaser is not entered on the valuation roll.

Taxes upon immoveables may be collected from tenant, etc.

**453.** Any person, not being the proprietor, who shall pay municipal taxes imposed on the immoveable which

Person paying taxes of proprietor subro-

gated in corporation's rights.

he occupies, shall be subrogated, without other formality, in the privileges of the corporation on the moveable or immovable property of the proprietor, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs.

If council causes works to be performed which proprietor for any reason neglected, cost thereof shall be a claim upon property.

**454.** Whenever the council shall have passed any by-law or by-laws directing work to be done within the said town, and any proprietor shall be unable, from absence, poverty or any other cause, to perform the said work, it shall be lawful for the council to cause the work, which such proprietor may be bound under such by-laws to perform, to be done; and in all cases, the sum so expended by the council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said council, with interest at the rate of eight per cent.

Remission of taxes to poor people.

**455.** The council may remit, in whole or in part, to poor people, their taxes and assessments in case of loss by fire, long illness, or such other cause as the council may consider sufficient.

Municipal dues and interest to be privileged.

**456.** All municipal dues and the interest thereon shall constitute a privileged debt exempt from the formality of registration; and in the case of distribution of moneys by authority of justice or according to law or by voluntary liquidation, such dues shall be collocated in preference to all other claims.

Extent of privilege

This privilege shall only extend to dues for six years.

Proceeds of licenses belong to funds of town, etc.

**457.** The proceeds of all licenses for the sale of spirituous and vinous liquors shall form part of the funds of the town, as well as the proceeds of any other license granted under this act, notwithstanding any law to the contrary.

Investment of surplus funds, etc.

**458.** The council may, by resolution, provide for the advantageous investment or for the deposit, either in savings' banks or in public funds or otherwise, of all balances of money or surplus funds that it may have. in order to create a revenue for the town.

#### SECTION IV.

#### THE MODE OF COLLECTION.

Notice of collection and deposit of col.

**459.** The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect all taxes

and due therein mentioned, and for this purpose he shall give, or cause to be given, on the following Sunday, a public notice that the collection roll is complete and is deposited in his office, and that the parties subject to payment of taxes mentioned are required to pay him the said amount at his office within the twenty days following such notice.

**460.** If, after the expiration of the twenty days, he finds arrears of taxes due, the secretary-treasurer shall forward to each party in arrears to his usual place of residence or domicile or to such party personally, a statement of the total amount of taxes by him due, and shall at the same time give him a notice annexed to such statement demanding payment of such taxes therein mentioned, with the costs of notification according to the tariff adopted by the council.

**461.** If, after the twenty days next following the demand made in virtue of the preceding article, the sums due by the persons entered on the collection roll have not been paid, the secretary-treasurer may levy them together with costs by seizure and sale of the goods and chattels of the debtors which may be found in the town, and such seizure and sale shall be made under a warrant signed by the mayor, addressed to a sworn bailiff of the district of Terrebonne, who shall act under his oath of office and be subject to the same rules and the same penalties, as under a writ *de bonis* issued by the Circuit Court.

If the debtor is absent or if there is no person to open the doors of the house, cupboards, closets, or in the event of refusal to open the same, the seizing bailiff may, by an order of the mayor or any justice of the peace, be empowered to cause the same to be opened by the usual means in presence of two witnesses with all necessary force, without prejudice to coercive imprisonment if there be refusal, violence or other physical obstacle.

**462.** No opposition, based upon a right of property or privilege upon moveables and effects seized, nor any other opposition, shall have the effect of preventing the sale and the payment of the taxes and costs from and out of the proceeds of the sale, unless there be deposited at the same time a sum of ten dollars in the hands of the secretary-treasurer, and unless such opposition be accompanied by an affidavit alleging the truth of the allegations contained.

Every opposition shall be served upon the officer charged with the execution of the warrant of seizure and returned before the Circuit Court of the county within eight days.

It shall be heard and decided according to the ordinary rules of procedure, and when the conclusions of the opposition are maintained, the amount deposited, as above, shall

lection roll  
calling upon  
rate-payers to  
pay.

Statement to  
be sent to rate-  
payers in  
arrears after  
certain date.

If amounts  
not then paid  
warrant may  
issue for  
seizure and  
sale of effects

If doors, etc.,  
closed, etc.

Deposit re-  
quired before  
opposition to  
seizure is  
allowed.

Service of  
opposition.

Hearing and  
decision there-  
of.

be returned to the party who made it, if not then the amount is imputed upon the payment of the cost incurred.

### TITLE XIII.

#### SPECIAL PROVISIONS RESPECTING THE SALE OF IMMOVEABLES ON WHICH TAXES ARE DUE.

Sale of lands  
for arrears of  
taxes, etc.

**463.** In every case where a person not residing in the town is taxed for vacant property or immoveables which he possesses, and in every case where there is not sufficient seizable property to pay the taxes imposed on any person in the town for lands, buildings or other immoveables to him belonging, if the taxes are not paid within the twelve months after the notice of the deposit of the collection roll of the town has been given, the council may authorize the secretary-treasurer, upon his report to the latter effect, to sell or have sold by public auction, at the office of the council or at any other place fixed by the council in the manner hereinafter described, the immoveable property which the council shall designate by resolution, so indebted to the council for municipal taxes.

Sale of lands  
for arrears of  
school taxes,  
etc.

**464.** The council may likewise, upon a certificate from the secretary-treasurer of the school commissioners for the town of Terrebonne, setting forth that the school tax imposed upon one or more immoveable properties in the town have not been paid within the twelve months following the notice of the deposit of the collection roll of the said school commissioners was given, authorize its secretary-treasurer to sell or have sold by public auction at the office of the council or any other place fixed by the council, in the manner hereinafter prescribed, but at the cost, risk and perils of the said school commissioners, any immoveable property designated by resolution of the said school commissioners, so indebted for school taxes.

List contain-  
ing descrip-  
tion of proper-  
ties to be sold.

Notice of sale,  
etc.

**465.** The secretary-treasurer of the town shall prepare a list containing a sufficient description of the properties to be sold at public auction by order of the council; and he shall, within fifteen days after such order has been given, give public notice, in the manner required for the publication of a by-law, of the day, hour and place where the said public auction will take place.

What descrip-  
tion notice to  
contain.

**466.** This notice, as well as the copies posted up, shall each contain the official numbers or at least a sufficient description of the properties to be sold.

Publication of  
notice.

**467.** This notice shall be published twice in French and English in the Quebec Official Gazette and at least in

one English and one French newspaper published in the district before the sale, which shall be held in all cases within the fifteen days following the last insertion in the Official Gazette.

**468.** At the time appointed for the sale, the secretary-treasurer or some other person acting for him, sells to the highest bidder, those lands described in the list upon which taxes are still due, after making known the amount to be raised on each of such lands, including therein a part of the cost incurred for the sale, proportionate to the amount of the debt. Proceedings at sale.

**469.** The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof. Price of adjudication to be paid at once.

In default of immediate payment, the person making the sale either at once puts up the land for sale, or adjourns the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice. If not so paid

**470.** On payment by the purchaser of the amount of his purchase money, the secretary-treasurer sets forth, in a certificate made in duplicate and signed by himself, the particulars of the sale, and delivers a duplicate of such certificate to the purchaser. Certificate to be given to purchaser.

The purchaser is thereupon seized and possessed of the land adjudged, and may enter into possession thereof, subject to the same being redeemed within the two years next following, but however, cannot carry off timber from such land during the said years. Effect thereof. Timber etc., not to be carried off.

**471.** If, within two years from the day of the adjudication, the land adjudged has not been bought back or redeemed, according to the following provisions, the purchaser remains the irrevocable proprietor thereof. If not redeemed within certain time.

**472.** Such purchaser, upon exhibiting the certificate of his purchase and upon proving the payment of all municipal and school taxes which in the meantime have become due thereon, is entitled, at the expiration of two years' delay, to a deed of sale from the council. Deed of sale from council.

**473.** The deed of sale is executed in the name of the municipality by the secretary-treasurer by deed before a notary. In whose name executed.

**474.** All the rights acquired by the purchaser pass to his heirs or legal representatives. Rights of purchaser pass to his heirs, etc.

Sale conveys  
ownership of  
land,

**475.** The sale made under the provisions hereinabove is a title which conveys the ownership of the land adjudged.

Vests in pur-  
chaser cer-  
tain rights and  
purges cer-  
tain claims.  
Exception.

**476.** It vests in the purchaser all the rights of the original owner, and purges the land from all privileges and hypothecs, whatsoever, to which it may be subject, except claims to constituted ground rent, to seigniorial rights and to rents substituted therefor, and the amounts for which such land may be encumbered for the payment of municipal and school taxes, also the dues of the trustees for the amount of all assessments imposed upon the said land to defray the expenses of building or repairs to churches, vestries, parsonages and burial grounds, provided that, at least eight days before such sale, there has been lodged with the secretary-treasurer a certified account establishing the amount of such arrears of ground rents, taxes, school assessments or assessments for the building or repairing of a church.

Proviso.

Person offer-  
ing for small-  
est portion of  
land to cover  
amounts due,  
to become  
purchaser, etc

**477.** Whosoever may offer at the time of the sale to pay the amount of the moneys to be raised, together with the costs, for the smallest portion of such lands, becomes the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer, who sells such portion of the property as appears to him best in the interest of the debtor.

Redemption  
of land.

**478.** The owner of any land sold under the preceding provisions may, within two years next following the day of adjudication, redeem the same by reimbursing to the secretary-treasurer the amount laid out for the purchase of such land, with the cost of the certificate of adjudication or acquisition, with interest at the rate of six per cent per annum, and further five per cent to cover all other expenses incurred by reason of such sale.

Redemption  
by other than  
former pro-  
prietor.

**479.** Any person, whether authorized or not, may redeem or recover such land in the same manner, but only in the name and for the benefit of the person who was the proprietor thereof at the time of the adjudication.

#### TITLE XIV.

##### RECOVERY OF PENALTIES.

Fines before  
what court  
recoverable.

**480.** The fines imposed by this act or by the by-laws of the council are recoverable, whatever the amount thereof, before the Circuit Court in and for the district of Terrebonne or before a justice of the peace residing in the town

**481.** All fines incurred by the same person may be included in the same suit. All fines incurred may be in same suit

**482.** Such prosecutions may be brought by any person of age, in his own name, or by the mayor or secretary-treasurer in the name of the town. Who may sue.

**483.** Any such suit may be decided on the oath of one credible witness. One witness is sufficient.

**484.** Penalties, recovered in virtue of by-laws of the council or of the provisions of this act, shall belong to the corporation, unless it shall otherwise order. Penalties under by-laws to belong to corporation.

If the penalty is due by the corporation it shall belong wholly to the prosecutor. If due by corporation.

**485.** In default of payment of the fine ordered by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for the time prescribed by this act or by by-law, which imprisonment shall end, however, on payment of the sum due. Imprisonment if fine not paid.

Such imprisonment shall discharge the person who undergoes it from the obligation of satisfying the judgment against him. Effect thereof.

**486.** The fines, as well as the costs taxed, may be recovered and levied upon the moveables and effects of the offenders. Fines may be levied by sale of moveables.

**487.** All fines, recovered under this act, shall be paid into the hands of the secretary-treasurer of the town. Fines to whom paid.

**488.** The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be bound to pay the costs recoverable against him, in the manner prescribed by law or by the procedure governing the court which renders the judgment; the costs, in any case, are taxed according to the tariff of the court which rendered the judgment, regard being had, as respects the Circuit Court, to the amount of the fines, which amount shall regulate the taxation of the costs. If plaintiff's suit, etc., dismissed bound to pay costs. Costs to be taxed.

## TITLE XV.

### EXPROPRIATIONS.

**489.** The council may acquire or expropriate the land required for the works ordered by it within the limits of its powers, especially, for the opening widening or straightening of streets or specified portions of streets, pub- Council may acquire, etc., lands for certain works.

blic squares, parks, drains, sewers the construction of buildings for the use of the town, for all purposes connected with supplying the town with water, for all water-works and dependencies and accessories and for all purposes connected with the lighting of the town, and with all gas works or electric apparatus, their dependencies and accessories.

Council cannot without consent expropriate: Her Majesty's property; Government property;

Property of railway companies, etc;

Cemeteries, etc.

**490.** The council cannot, without the consent of the owner, expropriate the following properties :

1. Property belonging to Her Majesty, or held in trust for her use ;

2. Property occupied by the Federal or Provincial Government ;

3. Property possessed or occupied by railway companies, *fabriques* or religious, charitable or educational institutions or corporations ;

4. Cemeteries, bishop's palaces, parsonages and their dependencies.

Indemnity may be fixed by agreement, etc.

**491.** The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the council and owner, if of age and in possession of his civil rights ; and it may also be agreed that no indemnity be allowed to the expropriated owner.

Arbitration in default of agreement and appointment of arbitrators.

**492.** In the absence of an understanding between the parties, or if the owner is a minor or has not the exercise of his civil rights, the value of the land in question, together with whatever goes in compensation against the value of such land, shall be estimated by arbitrators named as follows : one by the council, one by the owner or on his behalf, and a third by the two former, or, if they cannot agree, on demand of any of the interested parties, by a judge of the Superior Court.

If the proprietor is a minor or has not the enjoyment of his civil rights and has no legal representative, a judge of the Superior Court may appoint an arbitrator for him.

Notice to be given by arbitrators.

**493.** The arbitrators proceed at the time and place fixed by them, and of which they shall have given at least ten days' special notice of the parties interested.

Proceedings by and before them.

The arbitrators, after having examined and valued the land and heard the parties and their witnesses, under oath administered by one of them, if they deem it expedient, give their decision by means of a certificate signed by them or by the majority of them, and which they deposit in the office of the council, with right of appeal however from such decision to the Circuit Court of the district by direct action taken in the ordinary way.

Appeal.

**494.** In any decision rendered by them, the arbitrators mention the lot whereof the land taken forms part, the name of the owner of such land, and also the by-law or order of the council under which such land is taken, and fix the amount of the indemnity, if they grant one, and if they do not, a statement to that effect is entered in such decision establishing the refusal thereof.

What decision of arbitrators to contain.

**495.** On payment or legal tender of the amount of the indemnity agreed upon or granted, or on the deposit thereof as hereinafter provided, the council shall be entitled to take possession of the land.

Corporation entitled to land on payment or deposit of money.

If such taking possession is resisted or opposed by any person, any judge of the Superior Court, on proof of the decision of the arbitrators, and of the payment or tender or deposit, as the case may be, may issue his writ addressed to any bailiff or to the sheriff, in order to have the corporation placed in possession of such lot and to cause all resistance or opposition to cease; all which the bailiff or sheriff shall accomplish providing himself to that end with the assistance required.

If such taking possession is resisted.

**496.** If the expropriated owner is unknown, or if the council, through apprehension of future claims or through other motives, deems it advisable so to act, the amount of the indemnity, together with six months' interest thereon, shall be deposited in the office of the prothonotary of the district of Terrebonne, together with a copy of the deed of agreement, or of the decision of the arbitrators.

Deposit of amount in court in certain event.

Proceedings shall be taken for the ratification of such deed or decision, by following the same procedure and with the same effect, as in ordinary applications for confirmation of title.

Proceedings thereafter in confirmation of title.

## TITLE XVI.

### EXECUTION OF JUDGMENTS AGAINST THE CORPORATION.

**497.** Whenever a copy of a judgment, condemning the corporation to pay a sum of money, has been served at the office of the council, the secretary-treasurer shall forthwith pay the amount thereof out of the funds at his disposal, on the authorization of the council or of the mayor.

Duty of secretary-treasurer to pay amount of judgment served upon him.

**498.** If there be no funds, or if those at the disposal of the secretary-treasurer be not sufficient, the council shall, immediately after the service of the judgment of the court, order the secretary-treasurer, by resolution, to levy, on the taxable property of the municipality, a sum sufficient to pay the amount due with interest and costs.

If no funds, council to order levy of sum to pay amount and costs.

Delays to be  
granted for  
such purpose.

**499.** The court which rendered the judgment may, on petition to that end, presented either in term or in vacation, grant, from time to time, to the council any delay which it deems necessary to levy the amount of moneys required.

If judgment  
not paid  
within two  
months, exe-  
cution may be  
obtained  
against cor-  
poration.

**500.** If the judgment has not been satisfied, within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered may, on producing the return of the service of such judgment at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the corporation returnable before the same court so soon as the amount of the judgment and costs has been levied.

Attestation,  
etc., of writ  
and to whom  
addressed and  
what it  
enjoins.

**501.** Such writ is attested and signed by the prothonotary of the Superior Court, sealed with the seal of the court, and addressed to the sheriff of the district of Terrebonne, enjoining him among other things :

1. To levy from the corporation, with all possible despatch the amount of the debt with interest and costs of the judgment as well as of the execution ;

2. In default of immediate payment by the corporation :

To apportion the sums to be levied on all the taxable property in the town, in proportion to its value as it appears by the valuation roll, with the same powers and under the same obligations and penalties as the council and the secretary-treasurer to whom he is lawfully substituted for the levying of such money ;

3. To prepare without delay a special collection roll ;

4. To publish such special roll in the town in the manner required for taxes ;

5. To exact and levy the amounts entered on the special collection roll in the manner and within the delay prescribed by article 452 and following ;

6. In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs on their moveable property in the manner prescribed by article 459 and following inclusively ;

To sell the real estate liable for such amounts, in default of their payment, in the same manner and with the same effect as if he were acting under a writ *de terris* issued by the Superior Court of the district of Terrebonne.

7. To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest and costs has been collected, or from time to time as the court may order.

**502.** The sheriff is bound to execute, without delay either personally or by his officers, all the injunctions of such writ or of any other order subsequently issued by the court. Sheriff bound to execute writ, etc.

**503.** The sheriff has free access to the registers, valuation roll, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of the city under the same penalties as if such services were required by the council itself. Access by sheriff to registers, etc.

**504.** He shall take possession of the valuation roll and other documents which are necessary to him for the execution of the judgment and orders of the court. Sheriff to take possession of valuation roll;

On the refusal or neglect of the council or of the municipal officers to deliver up such documents, he is authorized to take possession thereof.

**505.** If it be impossible for the seizing officer to obtain the valuation roll, which should serve as a basis for the collection of the moneys, or if there be no such valuation roll, the sheriff shall, without delay, proceed to make a valuation of the taxable property; and he is authorized to base the special roll for the collection of the money to be levied on such valuation as if it were the valuation roll in force. To make valuation of property if roll cannot be had.

The costs incurred in making such valuation, as taxed by the court from which the writ issued, form part of the costs of execution and are recoverable from the corporation. Costs of making such valuation.

**506.** The fees, costs and disbursements of the sheriff are taxed at the discretion of the judge of the court from which the writ of execution issued, or by the prothonotary of the district in the absence of the judge. Taxation of fees, etc., of sheriff.

**507.** The sheriff transmits to the office of the council a copy of his special collection roll, and any other roll or document whereof he has taken possession, after having levied the whole amount set forth in the writ of execution together with interest and costs. Sheriff to return certain documents to office of council after levying amount, etc.

**508.** The arrears due in virtue of the sheriff's special collection roll belong to the corporation, and may be recovered by such corporation in the same manner as any other municipal tax. Arrears under sheriff's special roll belong to corporation.

If any surplus remains in the hands of the sheriff, it shall belong to such corporation. Surplus also.

Orders to  
facilitate exe-  
cution of writ  
may be  
obtained by  
sheriff.

**509.** The sheriff may obtain from the court any order calculated to facilitate and ensure the complete execution of the writ addressed to him.

## SCHEDULE.

### PUBLIC NOTICE OF THE COMPLETION OF THE COLLECTION ROLL BY THE SECRETARY-TREASURER.

Public notice is hereby given that the collection roll of the town of Terrebonne is completed and is now deposited in the office of the undersigned, and that all persons whose names appear therein as liable for the payment of taxes are hereby required to pay the amount thereof to the undersigned at his office within twenty days from this day, without further notice.

A. B.

Secretary-Treasurer.

## C A P. L X X I I I.

An act to incorporate the town of Acton.

[Assented to 2nd April, 1890.]

Preamble:

**W**HEREAS the provisions of the Municipal Code no longer meet the requirements of the inhabitants of the village of Acton Vale, who are desirous of being incorporated as a town and of having a special charter; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## TITLE I.

### ORGANIZATION OF THE CORPORATION.

#### SECTION I.

#### INCORPORATION OF THE TOWN OF ACTON.

Inhabitants  
of Acton in-  
corporated.

Name.

**1.** The inhabitants of the town of Acton, within the boundaries hereinafter described, and their successors, are constituted a body politic and corporate, under the name of "The town of Acton."

Separate from  
county of  
Bagot

**2.** The said town is separated from the county of Bagot for all municipal purposes.

**3.** The corporation of the town of Acton is subject to the provisions of the law governing town corporations, contained in chapter first of title eleventh (articles 4178 and following) of the Revised Statutes of the Province of Quebec, except in so far as this act may derogate therefrom, or may contain provisions inconsistent therewith.

## SECTION II.

## GENERAL POWERS OF THE CORPORATION.

**4.** In addition to the powers conferred upon the town of Acton by article 4192 of the said Revised Statutes, the said corporation may exercise the following :

1. Have a common seal which it may change or alter at will ;

2. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, obligations, debentures, judgments, securities or other deeds, whether negotiable or not, in the exercise and fulfilment of all the powers and rights conferred upon it by its charter and by law, and of all the duties and obligations which devolve upon it ; especially for the security of loans for the payment and settlement of amounts due to or by it under any act, contract, covenant or agreement for the payment of bonuses or for other lawful purposes.

## SECTION III.

## BOUNDARIES OF THE TOWN.

**5.** The town of Acton is bounded as follows :

To the north by the concession of the fifth range of the township of Acton and by lot three hundred and sixty-one of the official cadastre of the parish of St. André d'Acton, in the county of Bagot ; to the south by the concession of the second range of the said township of Acton ; to the east by lot number thirty-one in the third range of the township of Acton and the east half of lot thirty-two in the fourth range of the said township of Acton, now being lots numbers two hundred and sixty-eight, three hundred and sixty-one, three hundred and sixty-two, three hundred and sixty-five and three hundred and seventy one of the official cadastre of the said parish of St. André d'Acton ; to the west by lot number thirty-five in the third and fourth ranges of the township of Acton, now being lots numbers two hundred and sixty-nine, three hundred and fifty-eight and three hundred and sixty of the official cadastre of the said parish of St. André d'Acton, in the county of Bagot:

## SECTION IV.

## TOWN COUNCIL.

Composition  
of town  
council.  
Mayor.

**6.** The municipal council of the town of Acton consists of seven members elected in the manner hereinafter set forth, and from amongst whom the mayor shall be selected.

Quorum of  
council.

**7.** The quorum of the council consists of four members.

## TITLE II.

## MUNICIPAL ELECTIONS.

## SECTION I.

## PRELIMINARY PROVISIONS.

First election  
of councillors,  
when and  
where to be  
held, etc.

**8.** The first election of the councillors of the town of Acton shall take place on the second Monday of January after the coming into force of this act, at the hour of ten in the forenoon in the council room in the town-hall, and shall be presided over by the secretary-treasurer of the village of Acton Vale or, in his absence, by a person appointed by the majority of the electors present.

Term of office  
of councillors.

Replacing  
after first  
elections and  
thereafter.

**9.** The councillors are elected for three years, except in the case provided for by article 4197 of the Revised Statutes of the Province of Quebec; three of them shall be replaced at the general elections following the first election provided for by the preceding article; two others at the same date in the following year; two others at the third general election, and so on in such manner that three councillors shall be elected every three years and two at each of the intermediate general elections.

Selection of  
those to  
retire at  
second and  
third election.  
Proviso.

**10.** The councillors who go out of office at the second and third general elections are selected by lot at a session of the council prior to the election, in the month of December previous; and, in default of this being done, such selection by lot shall be made in the presence of the electors by the presiding officer, immediately after the opening of the meeting called for the purpose of holding the election.

Election of  
mayor.

**11.** At the first session of the council after the general meeting, the councillors shall elect one of their number, qualified for the office, as mayor.

## SECTION II.

## ANNUAL GENERAL ELECTIONS.

§ 1.—*General Provisions.*

**12.** The annual general elections of the councillors of the town of Acton are held in accordance with the provisions of this section and not according to the manner prescribed in articles from 4229 to 4250 inclusively, from 4252 to 4254, inclusively, 4256, 4257, 4258, 4260, from 4262 to 4270, inclusively, and 4274 of the Revised Statutes, which articles do not apply to the said town. Election of councillors how held.

**13.** The annual general elections shall be held on the second Monday of the month of January. Date of elections.

**14.** There shall be but one polling place both for the annual elections and for the partial elections, and such polling place shall be in the town-hall. One polling place.

**15.** The election expenses shall be paid by the corporation of the town of Acton. Payment of election expenses.

The presiding officer shall perform his duties gratuitously. Presiding officer not paid.

Nevertheless, the council shall repay the expenses lawfully incurred in connection with the election, and may allow him and his assistant a compensation for their services. Expenses to be paid however.

§ 2.—*Meeting of the electors.—Elections by acclamation.*

**16.** The meeting of the municipal electors for the nomination and election of councillors, opens at the hour of nine in the forenoon. Time for opening meeting.

The meeting of municipal electors is presided over by the person appointed by the council, in default of such appointment, by the secretary-treasurer and, in his absence, by a person selected by the electors present. Person to preside.

**17.** The presiding officer may appoint an assistant to aid him in the performance of the duties of his office; and, in his absence, such assistant replaces him for all purposes connected with the election. Assistant may be appointed. His duties.

**18.** The presiding officer must know how to read and write, and so must his assistant, if he deems it expedient to appoint one. Qualification of presiding officer and assistant.

**19.** After opening the meeting, the presiding officer shall nominate all persons presented by at least five electors. Nomination of candidates.

Election by  
acclamation.

**20.** If, one hour after the meeting is opened, there have been or remain nominated, as councillors, only as many persons as there are councillors to elect, the presiding officer shall declare such persons elected councillors.

§ 3.—*Voting.*

Poll in  
case of con-  
testation.

**21.** If, one hour after the opening of the meeting, there have been and remain nominated, for the office of councillor, more persons than there are councillors to be elected, the presiding officer shall at once open a poll and a book for recording the votes of the electors, as hereinafter prescribed, by entering the names and quality of each.

Close of poll.

**22.** The polling is closed at five in the afternoon of the same day.

What poll  
book is to  
contain.

**23.** The poll book shall contain, at the head of separate columns, the names and surnames of each of the candidates; the pages of this book are numbered in full letters and initialed by the presiding officer.

Right to vote.

**24.** The electors qualified to vote may vote for as many candidates as there are councillors to elect.

Elector may  
be required to  
take oath or  
affirmation

**25.** Upon being requested so to do by a candidate or his representative or by an elector, the presiding officer shall cause any person, presenting himself to vote, to take the oath or affirmation contained in article 4250 of the Revised Statutes of the Province of Quebec, striking out the words "of mayor" and "*as the case may be*" in the last paragraph.

Summing up  
of votes.

**26.** At the close of the poll, the presiding officer counts, in presence of two witnesses, and certifies over his signature in the poll book, the total number of names inscribed from the first to the last, as well as the total number of votes given in favour of each of the candidates, and declares elected those candidates who have the greatest number of votes, to whom he shall give a certificate, if so required.

Casting vote  
of presiding  
officer.

**27.** When the votes are evenly divided in favour of several candidates, the presiding officer shall, under a penalty of a fine of fifty dollars, forthwith give his vote, even if he be not a municipal elector.

His only vote

He can only vote in such case at the election.

Notice to per-  
son elected.

**28.** Within three days from the close of the poll, the presiding officer gives each of the candidates elected a written notice of his election.

## SECTION III.

## VACANCIES IN THE OFFICE OF MAYOR AND COUNCILLOR.

**29.** When a vacancy occurs in the office of mayor, the election of his successor will at once take place at the first session after the occurrence of such vacancy. Vacancy in office of mayor.

**30.** When a vacancy occurs in the office of a councillor, his successor is appointed without delay on the day fixed by the council, and the election is held in the manner prescribed for general elections. Vacancy in office of councillor.

## SECTION IV.

## APPOINTMENT OF COUNCILLORS BY THE LIEUTENANT-GOVERNOR.

**31.** In default of the annual general elections or partial elections being held at the date specified, the Lieutenant-Governor in Council may appoint any qualified person to the position of councillor to replace those retiring from office. Appointment by Lieutenant Governor.

## TITLE IV.

## POWER TO PASS BY-LAWS.

**32.** The municipal council of the town of Acton has the power to prohibit, restrict or regulate the sale of spirituous and intoxicating liquors and the granting of licenses to that effect in the town, and to limit and determine the number of licenses which the collector of provincial revenue for the district may grant for the sale of intoxicating liquors in inns, taverns or other places of public entertainment, or in stores or shops. Power to regulate, etc., sale of liquors; Limit number of licenses.

**33.** Every by-law passed in virtue of the preceding article, or repealing a previous by-law passed in virtue of such article, comes into force only from and after the first day of May following its promulgation, provided an authentic copy has, before that date, been sent to the collector of provincial revenue for the district. When by-law under preceding article to take effect.

**34.** The collector of provincial revenue for the district cannot, so long as such by-law is in force, grant licenses contrary to its provisions. Licenses not to be granted against provisions.

**35.** If such by-law is set aside, the collector of provincial revenue cannot, within the two months following the date of the judgment, give any license, the granting whereof is forbidden by such by-law. Provido if by-law is set aside.

Council may  
adopt  
another by-  
law for same  
purpose.

During that interval, the council has the right to adopt another by-law to the same effect and to transmit a copy to the collector.

Licenses  
null if in con-  
travention of  
provisions.  
By-law may be  
passed to:

**36.** The licenses granted in contravention of the provisions of such by-law are null and void.

**37.** The council of the town of Acton may also by by-law :

Prohibit, etc.,  
slaughter-  
houses ;  
Order arrest  
of disturbers  
of the peace ;

1. Prohibit, restrict or regulate any public or private slaughter-house within the limits of the town ;

2. Order the arrest of all persons disturbing the public peace, loitering in the streets, making use of obscene or insulting language, impeding traffic, intoxicated or infringing the municipal by-laws, and their detention, until brought before the mayor or other justice of the peace to be dealt with according to law ;

Determine  
rate of speed  
of horses, etc ;  
Forbid pipes  
on roofs, etc ;

3. Determine the rate of speed at which horses or vehicles shall be driven on the bridges and in the streets ;

4. Forbid pipes on the roofs, and in certain cases determine the nature of the materials to be used in making such roofs ;

Regulate  
wood and coal  
yards ;

5. Regulate the manner in which wood and coal yards shall be kept ;

Prohibit, etc.,  
billiard-sa-  
loons, etc. ;

6. Prohibit, restrict or regulate billiard-saloons or other games, and drinking saloons and other public amusements ;

Prohibit  
games of  
hazard ;  
Regulate  
privies, etc ;

7. Prohibit games of hazard and other games ;

8. Regulate the construction of privies, cellars, drains and ovens ; order and regulate the inspection of steam engines in workshops and factories ;

Prevent filth  
in streets, etc ;

9. Prevent filth and dirt from being thrown into the streets, ditches and water-courses, and determine how and at whose expense they shall be removed.

Certain  
powers under  
R. S. Q., art.  
4404 may be  
exercised.

**38.** The council of the town of Acton may also exercise the powers mentioned in article 4404 of the Revised Statutes of the Province of Quebec, in favour not only of incorporated companies or the Provincial Government as stated in the said article, but also of any person, association or company not incorporated, and always conforming to the provisions of articles 4406 and 4407 of the said Revised Statutes.

Certain  
articles to be  
complied  
with.

## TITLE V.

### VALUATION ROLLS.

Valuation  
roll of taxable  
property to be  
made by

**39.** The valuers in office make, every three years, and, for the first time, within sixty days from the coming into force of this act, at the time and in the manner ordered

by the council, the valuation of the real estate subject to assessors and taxation in the town of Acton, according to their real value when.

They also estimate the annual value of such property, Estimate of value to be entered.  
and enter it on the valuation roll in a separate column.

Article 4498 of the Revised Statutes of the Province of R. S. Q., art. 4498 not to apply.  
Quebec, which is hereby derogated from, does not form part of this charter.

**40.** It is also the duty of the valuator to make each Assessors to make valuation roll of tenants, etc.  
year, and, for the first time, within the sixty days following the coming into force of this act, at the time and in the manner ordered by the council, a valuation roll of the tenants, moveable effects, persons and animals subject to taxation.

Such roll is made, deposited, examined, revised, amended, homologated, and remains in force in the same manner and with the same formalities as the valuation roll of real estate, of which it forms part, for all purposes. Deposit and examination, etc., of roll.

Article 4513 of the Revised Statutes of the Province of R. S. Q., art. 4513 to apply.  
Quebec applies to such roll.

**41.** After the coming into force of the latter roll, Additions to roll as an appendix.  
and before the preparation and coming into force of that which is to replace it, the council may, when necessary, require the valuator to add to such roll, by an appendix duly signed by them or by the majority of them, all tenants, moveables, persons, animals and things subject to taxation, omitted from such roll, which are or have come within the limits of the town of Acton since the roll was made.

Such appendix shall contain the enumeration and designation of all things subject to taxation above mentioned in this article. What to contain.

It is deposited, examined, revised and homologated like the roll itself. Deposit, etc., thereof.

Every such appendix is annexed to the roll and forms part thereof. To be annexed to roll.

The tax imposed upon all things subject to taxation designated therein is exigible at the same rate as that entered in the general roll for every corresponding thing, When tax entered therein exigible.  
for a period of one year, unless such taxable things have become liable to taxation only since six months at least, in which case the tax is invariably exacted for six months.

The present article does not apply to the persons and things mentioned in article 46 of this act. Application of article limited.

## TITLE VI.

## TAXES AND LICENSES.

## SECTION I.

## IMPOSITION OF TAXES.

Power to levy  
taxes for  
certain pur-  
poses upon:

Town lots :

Tenants ;

Dogs, etc. ;

Horses.

Covered four  
wheeled  
vehicles ;  
Open four  
wheeled  
vehicles ;  
Light wag-  
gons ;

Sleighs with  
two seats ;

Sleighs with  
one seat.

Certain art-  
icles exempt  
from taxation

**42.** In order to levy the sums required by the council to meet the expenses of administration, provide for improvements and fulfil the contracts entered into, both by the corporation of the village of Acton and the corporation of the town of Acton, the council of the said town may impose the following annual taxes :

1. Upon every lot of land, whether built upon or not, and in the latter case, including the buildings thereon erected, a sum not exceeding two cents in the dollar on their total value as shown on the valuation roll ;

2. Upon every tenant paying rent in the town a sum not less than one dollar, and not exceeding five cents in the dollar, on the amount of the rent shown on the valuation roll when it exceeds twenty dollars per annum ;

3. Upon every dog kept by a person residing in the town, an annual sum not exceeding three dollars, which may be exacted from the owner or person harbouring such dog ; and upon every bitch, a sum not exceeding five dollars ;

4. Upon every horse over three years of age and kept for ordinary domestic purposes, a sum not exceeding one dollar, and upon every stallion over two years of age and kept for breeding purposes, a sum of eight dollars ;

5. Upon every covered four wheeled vehicle, with two or more seats, a sum not exceeding four dollars ;

6. Upon every open four wheeled vehicle, with two or more seats, a sum not exceeding two dollars ;

7. Upon every cabriolet or light waggon, with one seat, a sum not exceeding one dollar ;

8. Upon every sleigh, with two or more seats, a sum not exceeding two dollars ;

9. Upon every sleigh with one seat, a sum not exceeding one dollar.

All winter or summer vehicles intended and used for transporting goods and produce, known as working vehicles, and all horses, implements and articles employed in agriculture or intended for farm work are exempt from all taxes whatsoever.

Council may  
by by-law im-  
pose certain  
tax upon pro-  
prietors, etc.  
of houses of

**43.** The council may further, by by-law, fix, impose and levy certain annual rates and taxes not exceeding one hundred dollars, over and above the sum mentioned in article 4414 of the Revised Statutes of the Province

of Quebec, upon the proprietors and occupants of houses of public entertainment, inns, coffee-houses and restaurants, where spirituous and intoxicating liquors are retailed, and upon all retailers of spirituous and intoxicating liquors. public entertainment, etc.

**44.** It may also, by by-law, fix, impose and levy certain annual dues and taxes, not exceeding one hundred dollars, upon every pedlar and itinerant trader selling goods of any kind in the town; upon every proprietor, owner, agent, manager and occupant of a theatre, circus, billiard-saloon, bowling-alley, club, society or company for games and sports, whether incorporated or not, whether licensed or not; upon every auctioneer, hawker, huckster, livery-stable keeper, brewer and distiller; upon every trader and manufacturer, or their agents; upon every telegraph and telephone company, upon every wood and coal dealer, proprietor of a slaughter-house, exchange agent, pawnbroker or their agents; upon every banker, bank, agent of a bank or banker, insurance company or their agents; upon every business, manufacture, occupation, art, trade or profession exercised or carried on in the town not already mentioned in this article, and not more than twenty-five dollars for bakers, grocers, butchers and carters. Taxes to certain amount may be levied upon certain persons.

**45.** All persons having an office in the town, and practising therein the profession of advocate, physician, surveyor, notary, dentist, surgeon, oculist, accountant, photographic artist, business agent, veterinary surgeon, architect or civil engineer, shall pay an annual tax of eight dollars. Personal tax upon professional men.

**46.** Every pedlar or auctioneer and every person who shall come temporarily into the town of Acton for the purpose of selling goods from bankrupt stocks or other goods, merchandize and articles of trade, shall previously, and before commencing to sell as a pedlar or by auction or otherwise, obtain a license to that effect from the municipal authorities of the town, and pay for such license the sum not exceeding seventy-five dollars. License required to be taken by transient traders, etc.

The said license shall be valid for only one year from the date thereof. Duration of license.

In case a person so bound to take out a license is not provided with one, the amount thereof shall be demanded of him by the secretary-treasurer or any other municipal officer by him authorized to that effect. If not paid for.

In default of immediate payment, such amount shall be levied without delay by means of a warrant under the hand of the mayor, addressed to the bailiff of the Superior Court. Warrant to levy may issue.

In whose hands may merchandize be seized.

The said merchandize may be seized in the possession of such vendor, auctioneer or pedlar and sold for as much as may be required for the payment of such license and costs by such bailiff, according to the rules prescribed by the Code of Civil Procedure for the execution of a writ *de bonis* issued by the Circuit Court

## SECTION II.

### COLLECTION OF TAXES.

#### § 1.—*Mode of collection.*

R. S. Q., art. 4538 to 4556 to apply to collection of taxes.

**47.** The taxes are collected in the manner set forth in articles from 4538 to 4556, inclusively, of the Revised Statutes of the Province of Quebec.

#### § 2.—*Special provisions respecting the sale of property on which taxes are due.*

R. S. Q., art. 4557 to 4558 not to apply to sale of immoveables for taxes.

**48.** The sale of immoveables on which taxes are due takes place in accordance with the provisions of the present sub-section which are substituted for articles 4557 and 4558 of the Revised Statutes of the Province of Quebec.

List to be prepared by secretary of lands in arrears for taxes.

**49.** The secretary-treasurer shall prepare in the month of November of each year a statement showing, in as many separate columns, what is required by article 871 of the Municipal Code, and submit it to the council.

When and how sale shall be effected.

**50.** On the specified day of the month of March in each year, the secretary-treasurer shall sell by auction at his office in the town-hall, at the hour of eleven in the forenoon, and adjudge to the highest bidder those immoveable properties assessed in the town on which arrears of municipal or school taxes are due, which the council has ordered him to sell by a resolution passed at a previous meeting.

Notice of sale and publication thereof.

**51.** Notice of such sale shall be given by the secretary-treasurer, by means of an advertisement published twice in the month of January preceding the sale in the Quebec Official Gazette and in one or more newspapers published in the district.

Contents of notice.

Such notice shall contain the description of the immoveables to be sold, the names and surnames of the owners of such immoveables, as shewn on the valuation roll, the total amount of taxes affecting such immoveables, and the day, hour and place of sale.

**52.** At the time appointed for the sale, the secretary-treasurer, or some other person acting for him, sells to the highest bidder, those lands described in the notices upon which taxes are still due, after making known the amount to be raised on each of such lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt. Proceedings at sale.

**53.** Any person offering then and there to pay the amount of the moneys to be raised, together with the costs, for the smallest portion of such lands, becomes the purchaser thereof, and such portion of land must be at once adjudged to him by the person selling, who sells such portion of the property as appears to him best in the interest of the debtor. Adjudication.

**54.** The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof. Price to be paid at once.

In default of immediate payment, the person selling either at once puts up the land for sale or adjourns the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice. Proceedings in default of payment.

**55.** If at the time of the sale no bid is made, or if all the lands advertized cannot be sold on the same day, the sale must be adjourned to the following or any other day, within eight days, in the manner set forth in the preceding article. Continuation of sale in certain event.

**56.** On payment by the purchaser of the amount of his purchase money, the secretary-treasurer sets forth, in a certificate, made in duplicate and signed by himself, the particulars of the sale, and delivers a duplicate of such certificate to the purchaser. Certificate to be given to purchaser.

The purchaser is thereupon seized and possessed of the land adjudged, and may enter into possession thereof, subject to the same being redeemed within the year next following; but, however, cannot carry off timber or any building whatever from such land during the said year. Effect thereof. Timber, etc., not be removed within certain time.

**57.** The corporation of the town of Acton may bid at the sale of such immoveables and may become the purchaser thereof, through the mayor or other person authorized by the council, without being held to pay in forthwith the amount of the purchase money. Corporation may bid.

**58.** The secretary-treasurer shall transmit to the registrar a list of the properties sold as aforesaid within the eight days following the sale thereof, and for so doing he List of lands sold to be sent to registrar.

Fee therefor.  
Application  
thereof.

is entitled to twenty cents for each parcel of land mentioned in the list; one half whereof is sent by him to the registrar to pay the latter's fees on the deposit and entry thereof and for the cancellation.

If lands sold  
be not re-  
deemed with-  
in certain  
time, pur-  
chaser vested  
with property  
and entitled  
to deed of sale  
after comply-  
ing with cer-  
tain condi-  
tions.

**59.** If, within the two years following the day of the adjudication, the land adjudged has not been redeemed, according to the provisions hereinafter set forth, the purchaser remains the irrevocable proprietor thereof, and, upon exhibiting the certificate of his purchase and upon proving the payment of all municipal taxes which, in the meantime, have become due thereon, is entitled to a deed of sale from the corporation of the town of Acton, upon his paying the cost thereof and the cost of the registration fee.

Effect of sale  
for arrears of  
taxes.

**60.** The sale made under the preceding provisions purges the land from all privileges and hypothecs whatsoever to which it may be subject, except claims for the payment of municipal debentures issued in aid of certain undertakings, within the powers of the corporation, and any assessment imposed on such land for defraying the cost of building or repairing any church, vestry, parsonage, or cemetery, provided that, at least eight days before such sale, the chairman of the trustees has lodged with the secretary-treasurer a statement, attested under oath before a justice of the peace, establishing the amount of such assessment for which the land is liable.

Prescription  
of suit to an-  
nul sale.

**61.** The action to annul a sale of land, made in virtue of the preceding provisions, is prescribed by one year from the date of such adjudication.

Proceedings  
if land ad-  
vertized is  
also adver-  
tized to be  
sold by  
sheriff.

**62.** If any land described in the list published under article 51 of this act is advertized to be sold by the sheriff, the secretary-treasurer postpones the sale and, without delay, transmits to the sheriff a statement of the sums due for taxes and cost of advertizing, on account of such land, which sums are paid out of the proceeds arising from the sale made by the sheriff.

Proceedings if  
sheriff's sale  
does not take  
place.

Nevertheless, if, on the day on which the sale is to take place, the proceedings of the sheriff on the sale are discontinued, the secretary-treasurer may sell the land in the usual manner.

Redemption  
of lands sold.

**63.** The owner of any land sold under the provisions of the preceding provisions, or any person acting in his name or on his behalf, may, within the year next following the day of the adjudication redeem the same, by reimbursing to the secretary-treasurer the amount laid out for

the purchase of such land, with all the costs of sale and subsequent costs, with interest at fifteen per cent per annum.

**64.** The secretary-treasurer must, within eight days after the redemption is effected, give special notice thereof to the purchaser, and, on demand, remit to the latter the amount paid into his hands, less two and a half per cent on the purchase money, for his fees. Notice to be sent to purchaser.

**65.** The purchaser may compel the person who redeems the land to indemnify him for all useful repairs and improvements made by him on the land, and also the amount of the taxes paid, and of the public or municipal work performed on account of such land, with interest on the whole, at the rate of fifteen per cent per annum, every fraction of a year being reckoned as a year as regards the first year. Purchaser may require certain payments.

This claim bears a privilege in favor of the purchaser upon the land in question. His claim therefor privileged.

The purchaser may retain possession of the land redeemed until payment of such claim. May retain land until paid.

## TITLE VII.

### TEMPORARY PROVISIONS.

**66.** All the by-laws, orders, rolls and other municipal acts of the village of Acton Vale, in force when this act is passed, shall remain in force until they are amended or repealed by the council of the town of Acton. Present by-laws, etc., to remain in force.

**67.** The mayor, councillors and municipal officers of the village of Acton Vale shall remain in office until they are replaced in virtue of this act, and shall continue to perform their duties as if they had been elected or appointed under this act. Present municipal officers to remain in office.

**68.** Every tax due or which may become due, within the limits of the territory now erected into a town, before the first general election, shall form part of the receipts of the corporation of the village of Acton and shall be collected by the council of the said village and its officers. Taxes due or to become due after certain date to form part of receipts of town.

**69.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXIV.

An Act to incorporate the the town of Buckingham.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS the provisions of the Municipal Code do not meet the present wants of the corporation of the village of Buckingham, and it has become necessary to make more ample provision for the management of the said village ; whereas the inhabitants of the same are desirous that they should be incorporated as a town, and have a special act of incorporation, and have so petitioned, and whereas it is expedient to grant the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## TITLE I.

## INCORPORATION OF THE TOWN.

## SECTION I.

## INCORPORATION AND GENERAL POWERS OF THE TOWN.

Inhabitants  
incorporated.

Name and  
general  
powers.

Seal.

Power to hold  
etc., property,  
etc.

**1.** The inhabitants of the territory hereinafter described and their successors shall be and are hereby declared to be a body politic and corporate, by the name of the " Corporation of the town of Buckingham," and by that name, they and their successors, shall have perpetual succession, and shall have power to sue and be sued, to plead, and to be impleaded in all courts, and in all actions, causes and suits whatsoever.

And shall have a common seal with power to alter, and modify the same at their pleasure.

They shall in law be capable of receiving by donation, of acquiring, holding, and disposing of, by any title or in any manner whatsoever, any property real or moveable, for the use or benefit of the said town ; of becoming parties to any contracts or agreements in the management of the affairs of the town, or for its benefit, and of giving, endorsing or accepting any notes, bonds, drafts or other instruments or securities for the payment of any sum of money or in discharge, recognition, or execution, of any right or obligation whatsoever ; and of borrowing money for any purpose, within the jurisdiction of the council of the said town, either upon debentures, or by hypothecating the immoveable property of the town for that purpose.

## SECTION II.

## TEMPORARY PROVISIONS.

**2.** All municipal acts, by-laws, ordinances, rolls, reports, agreements, dispositions and engagements whatsoever, passed and entered into by the municipal council of the village of Buckingham, as heretofore existing, shall continue to have full force and effect, as if passed and agreed to by the council of the town of Buckingham, as hereby constituted, until such time as they are formally rescinded, abolished, or amended by the council of the said town, or fulfilled. Existing by-laws, etc., of village continued in force.

The said corporation of the town of Buckingham shall succeed to, and be substituted in all the engagements, rights, debts and obligations of the corporation of the village of Buckingham as now existing. Corporation of town to succeed to that of village.

**3.** The mayor and councillors of the said village of Buckingham shall remain in office until the elections under this act have taken place, and shall discharge their functions as though they had been elected under this act. Mayor, etc., of village of to remain in office for certain time.

All municipal officers of the said village of Buckingham shall continue in office until their successors are chosen or appointed under this act. Municipal officers continued in office.

## SECTION III.

## BOUNDARIES.

**4.** The town of Buckingham shall comprise all that tract of land known as lots number nine, ten, eleven, and the east half of twelve in the fourth range, and the south half of lot ten in the fifth range, and all that part of the south half of lot eleven in the fifth range, lying on the east side of the river du Lièvre, all in the township of Buckingham, in the Province of Quebec. Territory of town.

## TITLE II

## TOWN COUNCIL.

## SECTION I.

## ORGANIZATION OF THE COUNCIL.

**5.** The municipal council shall be composed of seven councillors, who shall be elected for three years, except in the case provided for in article 4197 of the Revised Statutes of the Province of Quebec, and except also in the case provided for in the following article. Composition of the council. Term of office.

Retiring from  
office of first  
councillors.

**6.** Of the seven councillors elected at the first general election under this act :

1. Two must be replaced at the time of the next general municipal election ;
2. Two others at the same period in the year which follows that last mentioned ;
3. The three last, also, at the same period in the following year.

And so on, in such manner that two councillors must be elected or appointed two years consecutively, and three every three years.

Councillors to  
retire to be  
chosen by lot.

**7.** The councillors who shall retire the first and second years after the first general election under this act must be selected by lot, at a session of the council in the month of December preceding the general election at which they are to be replaced.

If council  
neglect to  
make such  
choice.

If the council shall neglect to proceed to draw such lots, the officer presiding over the election may do so, on the day of nomination of councillors, and immediately after the opening of the meeting.

Qualification  
of councillor.

**8.** No one shall be elected or appointed a member of the council nor act as such, if he has not resided within the limits of the municipality for at least one year, or had a place of business therein for the same time, and if he does not possess therein in his own name, or in the name and for the benefit of his wife, as proprietor, real estate of the value of at least eight hundred dollars, over and above all charges and hypothecs affecting the same, according to the valuation roll in force for the time being.

Appointment  
of mayor.

**9.** At the first session after any general election of councillors the members of the council must appoint as mayor of the corporation, any one of the councillors possessing the necessary qualification.

Quorum of  
council.

**10.** The quorum of the council shall be four members.

Term of  
office of  
mayor.

**11.** The mayor remains in office from the moment he takes the oath of office, until the appointment of his successor, provided he remains in the council.

Vacancy in  
office of  
mayor.

In case of any vacancy in the office of mayor, the senior member in age of the council shall act as mayor *pro tempore*.

#### SECTION II.

#### ELECTIONS OF COUNCILLORS.

When gene-  
ral elections  
to be held.

**12.** The general elections shall take place on the second Monday in the month of January of every year, at ten of the clock in the forenoon.

**13.** The first general election under this act shall be held on the second Monday in the month of January now next, and shall be presided over by the secretary-treasurer of the present village of Buckingham, upon whom, for the purpose thereof, are hereby conferred all the powers conferred by title XI, chapters first and second of the Revised Statutes of the Province of Quebec, on the secretary-treasurer of the town council.

First general election when to be held, etc., by whom to be presided over. Powers of presiding officer.

The said election shall be held at the usual place of meeting of the council of the village of Buckingham.

Where election shall be held.

**14.** After having opened the meeting of the electors for the nomination of councillors, the presiding officer shall receive, and place in nomination the names of all persons handed in, in writing, by at least five municipal electors.

Nomination of candidates.

The presentation must be made by electors of the ward for which the candidate is proposed.

Who may nominate.

**15.** If, one hour after the opening of such meeting, there have been and remain nominated for the office of councillor, in one or more wards, more persons than there are councillors to be elected therefor, it shall be the duty of the presiding officer to grant a poll for such ward or wards, which poll shall be held without delay.

Polling, if contestation.

**16.** The poll shall be opened at eleven o'clock in the forenoon and closed at five o'clock in the afternoon of the same day ; nevertheless, if at that hour the votes of all the electors present have not been polled ; the election is adjourned to the hour of ten in the forenoon of the following day, for the purpose of proceeding with the polling of such votes.

Opening and closing of poll.

Proviso, if all votes not polled.

**17.** The election must be closed at five o'clock in the afternoon of the second day.

Closing of poll on second day.

**18.** All hotels, taverns and saloons shall close their bars during the days of election, under a penalty of fifty dollars or imprisonment in the common gaol for three months, in default of payment.

Hotels, etc., to close their bars during election day.

### SECTION III.

#### SESSIONS OF THE COUNCIL.

**19.** The first session of the council, to be elected under this act, shall be held on the Monday next after the closing of the election, in the usual meeting place of the council of the village of Buckingham ; such session shall be a general session of the council.

First session of council when and where to be held.

General and  
ordinary ses-  
sion when to  
be held.

**20.** The council shall further hold general or ordinary sessions on the first Monday of each month, and at such other times as may be provided by the council.

### TITLE III.

#### POWER TO MAKE BY-LAWS.

Additional  
power to  
make by-laws  
for :

**21.** The town council may, in addition to those mentioned in the Revised Statutes of the Province of Quebec title XI, chapters first and second, make by-laws for the following purposes :

Good order,  
etc., of town ;

1. For the good order, welfare, improvement, cleanliness, health, internal economy and local government of the said town, and for the prevention and suppression of all nuisances, and all acts and proceedings in the said town obstructive, opposed or disadvantageous to the good order, welfare, improvement, cleanliness, health, internal economy or local government of the said town, and for the better protection of the life and property of the inhabitants ;

Taxing real  
estate ;

2. To levy, by means of direct taxation, upon all taxable property, or only upon taxable real estate, in the said town, all sums of money, necessary to meet the expenses of administration, or for any special purpose, within the limits of the powers of the council of the said town ;

Levying  
money for  
any purpose  
within power  
of council  
upon persons  
benefited by  
work, etc. ;

3. To levy, by means of direct taxation, the funds required for any purpose whatever, within the powers of the council, upon all taxable property, or only upon taxable real estate in the town, of persons who, in the opinion of the council, have an interest in any public work, under the direction of the council of the said town, and benefit by such work, all the sums necessary to meet the construction, and maintenance of such work ;

Levying  
money for any  
purpose  
within power  
of council  
upon persons  
mentioned  
in petition  
requiring any  
work, etc. ;

4. To levy, by means of direct taxation, the funds required for any purpose whatever, within the powers of the council, upon all taxable property, or only upon taxable real estate, within the limits of the said town, upon petition of the majority of the rate-payers, owners of real estate, being liable for such tax, to the amount and upon the conditions set forth in the petition ;

Levying taxes  
upon tenants ;

5. To levy, annually, upon every tenant who pays rent, a sum not exceeding three cents on the dollar upon the amount of such rent ;

Levying per-  
sonal taxes ;

6. To levy, annually, upon the male inhabitants of the age of twenty-one year-, and over, resident in said town, and not otherwise taxed, a sum not exceeding one dollar ;

Levying taxes  
upon real  
estate ;

7. To levy, annually, on immoveable property within the limits of the said town, a sum not to exceed three

cents in the dollar on the whole value, as entered in the valuation roll of the said town ;

In case any person or persons shall come, temporarily, into the said town to dispose of any bankrupt, or other stock of goods, wares or merchandize, either at public auction or private sale, the council may, by resolution passed as soon as convenient, levy on such person or persons, a fee or tax of not less than twenty dollars, and not more than one hundred dollars for the sale of the said goods, so brought into the said town, and exposed for sale therein ; such tax to be payable by such person or persons on demand, and if not paid when so demanded, the same may be collected by distress-warrant, issued under the hand of the mayor or acting mayor, immediately after such failure to pay, and the said goods may be attached and shall be held for the payment of the same ;

Transient  
traders' tax ;

8. To levy, annually, for every dog or bitch kept by persons residing in the said town, a tax of not less than one dollar, and not more than three dollars ; and if the proprietor or harbinger of any dog or bitch shall fail to pay the said tax, when legally notified to do so, then it shall be lawful for the said council to sue the proprietor or harbinger of any dog or bitch for the tax imposed ;

Levying tax  
upon dogs  
etc. ;

9. To levy, annually a tax of not less than twenty dollars nor more than two hundred dollars, on every proprietor or occupant of every house of public entertainment, tavern, hotel, coffee-house, and eating-house, where spirituous, vinous, or fermented liquors are sold, and on every dealer in spirituous, fermented, or intoxicating liquors, and on every proprietor, possessor, agent, manager and keeper of a theatre, menagerie, circus, billiard-room, ten-pin-alley or other place for games or public amusements of any kind whatsoever, and on every auctioneer, and pawn-broker ;

Levying taxes  
upon certain  
persons,  
trades, etc. ;

10. To establish and regulate public markets and butchers and hucksters private stalls, and to regulate or license the sale of fresh or salt meats, vegetables, fish or other articles usually sold in markets, and to fix and determine the duties or fees to be paid by any person selling on or in any such places any provisions or produce whatever ;

Establishing  
public mar-  
kets, etc. ;

11. To restrain, regulate, or, if thought advisable by the council, to prohibit the sale of spirituous, alcoholic or intoxicating liquors within the limits of the town.

Regulating,  
etc., sale of  
spirituous  
liquors.

#### TITLE IV.

#### MISCELLANEOUS PROVISIONS.

##### SECTION I.

##### LIMIT TO DEBTS.

22. The council of the said town may, of itself, contract debts for a sum not exceeding one cent in the dollar of

Power to con-  
tract debts to

certain  
amount.

the total valuation of the taxable property of the said town.

## SECTION II.

## A SEPARATE SCHOOL MUNICIPALITY.

Town to be  
a separate  
school muni-  
cipality.

**23.** The town of Buckingham shall be and is hereby declared to be, from and after the coming into force of this act, a separate school municipality, the same as is the village of Buckingham.

## SECTION III.

## SALE OF LANDS FOR TAXES.

When real  
estate in  
arrear for  
taxes to be  
sold.

**24.** On the first juridical day of the month of March in each year, the secretary-treasurer shall sell, by auction, at his office, the real estate upon which arrears of taxes are due.

Notice of sale  
and publica-  
tion thereof.

**25.** Notice of such sale shall be given by an advertisement published twice during the preceding month of January in the Quebec Official Gazette and in a newspaper published in the district.

Contents of  
notice.

Such notice shall contain :

- a. The name of the last owner or occupant, if such owner or occupant be known ;
- b. The description of the immoveables to be sold ;
- c. The amount claimed for arrears of taxes ;
- d. The place, day and hour, at which the sale shall be made.

Proceedings,  
if price not  
paid at once.

**26.** In default of immediate payment of the purchase money, the secretary-treasurer shall forthwith again put up the property for sale, or shall adjourn the sale to another date within the following eight days, by giving notice in a loud and intelligible voice to the persons present.

Postponement  
of sale, if no  
bids.

If no bid be made, the sale shall also be postponed in the same manner to another date within the eight days following.

Certificate,  
upon pay-  
ment of pur-  
chase money.

On the payment of the purchase money, the secretary-treasurer shall set forth all the details in a certificate made out in duplicate, one of which shall be delivered to the purchaser.

Adjudication.

Whosoever then offers to pay the amount to be levied, including costs, for the smallest portion of the land, shall become the purchaser thereof, and such portion of the land shall be adjudged to him on the spot by the secretary-treasurer.

The purchaser is thereupon seized with the ownership of the property adjudged, and may take possession of the same, subject to the right of redemption which may be exercised as hereafter provided; but within two years from the sale, the purchaser shall not remove the wood, buildings, or constructions which may exist upon the property sold, nor deteriorate it in any manner.

Effect of certificate and rights of purchaser.  
Proviso.

**27.** The owner, or any one for him, may, within the same delay of two years, redeem the immoveable sold, by paying to the secretary-treasurer the purchase money with interest at fifteen per cent per annum, every fraction of a year to count, or be reckoned as a year, as regards the first year only.

Redemption of land sold.

**28.** Any person, whether authorized or not, may redeem such land in the same manner, but only in the name, and for the benefit of the person who was the proprietor thereof at the time of the adjudication.

Land to be redeemed in name of owner.

If the right of redemption be not exercised within two years, the secretary-treasurer shall deliver to the purchaser a deed of sale of the immoveable, which shall be registered by and at the cost of the purchaser.

Deed of sale to be given if property not redeemed.

**29.** The action to set aside a sale is prescribed in two years from the date of sale; but such sale may be rescinded, and set aside by consent of the council, of the owner and purchaser, within the same delay.

Prescription of suit to set aside sale.

**30.** The sale so effected is final; it has the same effect and transfers the same rights as ordinary judicial sales.

Effect of sale.

#### SECTION IV.

##### USE OF BOTH LANGUAGES.

**31.** All by-laws, and public notices shall be published in the English and French languages.

By-laws and notices to be in English and French. Both languages may be spoken in council.

In the sessions of the council, every person entitled to be heard may speak in either the French or English languages.

The books, registers, and other proceedings of the municipal council shall be written in the English language.

Registers, etc., to be in English.

**32.** No assistant secretary-treasurer shall be appointed, unless the town council has first passed a resolution accepting the person to be appointed.

Appointment of assistant secretary-treasurer.

## TITLE V.

## PRESERVATION OF THE PEACE.

## SECTION I.

## APPOINTMENT OF POLICE OFFICERS.

Appointment of police force. **33.** It shall be lawful for the town council, by a resolution passed to that effect, to appoint, dismiss, and replace, from time to time, when occasion shall require, a sufficient number of men to compose the police force of the said town.

Men to be sworn before justice of peace. **34.** Such men shall be sworn before any justice of the peace for the district of Ottawa, to act as police officers in order to preserve peace within the town.

Police to obey orders etc., from council, etc. **35.** The said police officers or constables shall obey all legitimate orders they may receive from the council, from any of its members individually, or from any justice of the peace of the district of Ottawa ;

## SECTION II.

## POWERS OF POLICE OFFICERS.

Powers of police constables. **36.** All and every such police officer or constable aforesaid shall be vested with all the necessary powers for the accomplishment of all duties imposed upon them ;

Powers to arrest, etc., within limits of the town, etc. It shall be lawful for them to arrest, on view and without any warrant, any person they may find breaking the public peace, or lying or loitering either during the night or day-time in any highway, field or yard, or other place, or lodging or sleeping in any barn, out-house, or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk or causing tumult in the public road, or highways, wharves, bridges, or any part of the bank of the River du Lievre within the limits of the said town, by shouting, swearing or otherwise, and all persons contravening any federal or provincial law or any by-law of the town, and in like manner all person aiding or encouraging any person whomsoever to contravene any such federal or provincial law, or any such by-law of the said town.

Powers to arrest, etc., without the limits of the town. **37.** The said police officers shall also have the power and authority to arrest, even without the limits of the said town, all persons who shall have contravened any federal or provincial law or any by-law of the said town, or who shall have aided or encouraged any person whomsoever to contravene any such federal or provincial law, or any such by-law :

**38.** They shall have power and authority to serve all summonses and subpoenas, and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for subsequent examination or for trial, or arrested in virtue of a warrant of arrest for the commission of any crime or misdemeanor, or the violation of any federal or provincial law, or any by-law of the said town.

Power to serve  
summons, etc.

**39.** Any police officer or constable of the town shall also have the power and authority to go into every inn, hotel and into every shop licensed for the sale of spirituous, vinous or fermented liquors, to ascertain if the laws regulating such houses, or the by-laws which the council may pass respecting the same, be faithfully observed, and to arrest, on view, and without a warrant all such persons whom they may find in such houses contravening any laws or by-laws.

Power to  
enter inns,  
etc., for cer-  
tain purposes.

To arrest per-  
sons contra-  
vening by-  
laws.

**40.** It shall be lawful for the said police officers or constables, at any time to go into every store-house, shop or other house not licensed for the sale of spirituous, vinous or fermented liquors, wherein they shall suspect such liquors are sold, and to arrest, with a warrant, every person contravening the laws prohibiting the sale of spirituous, vinous or fermented liquors without license.

Power to  
enter store  
houses, etc.,  
if they sus-  
pect liquors  
are sold, etc.  
Power to  
arrest persons  
contravening  
laws respect-  
ing sale of  
such.

**41.** Any such person, so summarily arrested, shall be immediately conveyed to the prison of the district of Ottawa, or to the place of confinement established in the town of Buckingham, there to be safely kept, until he may be taken before the mayor, or one or two justices of the peace; but such person so arrested may give bail or a sufficient recognizance, to be taken or received by the said mayor or justice of the peace; and shall appear on the day appointed before the said mayor or justice or justices of the peace.

Imprison-  
ment of per-  
sons arrested.

Bail may be  
given.

**42.** The constables or police officers shall have power and authority to serve all special notices and to publish all public notices in accordance with the various provisions of this act, and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect.

Power to  
serve special  
notices, etc.

## TITLE VI.

### FINAL PROVISIONS.

**43.** The fourth paragraph of article 4216, the second paragraph of articles 4229 and 4230, article 4231, the

Certain arti-  
cles of R. S. Q.  
not to apply,  
etc.

second paragraph of article 4234, articles 4238, 4239, 4240, 4414 and of the Revised Statutes of the Province of Quebec are expressly excepted, and shall form no part of the laws governing the corporation of the town of Buckingham, and the other articles of the general act shall be so read as to be consistent with the provisions of this act.

Powers given  
by act to be  
supplemen-  
tary to  
powers given  
by R. S. Q.,  
title XI, chaps.  
1 and 2.

**44.** The powers, herein conferred on the said corporation of the town of Buckingham, are, however, to be regarded as supplementary of those given in the Revised Statutes of the Province of Quebec, title XI, chapters first and second.

Coming into  
force.

**45.** The present act shall come into force on the day of its sanction.

## C A P. L X X V .

• An Act to incorporate the town of Côte St. Louis.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS the corporation of the village of Côte St. Louis has prayed to be incorporated as a town, in accordance with the provisions of chapter first of title eleventh of the Revised Statutes of the Province of Quebec;

Whereas it is in the interest of the rate-payers of the said village that the said petition be granted ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

### TITLE I.

#### ORGANIZATION OF THE CORPORATION.

##### SECTION I.

##### INCORPORATION OF THE TOWN.

Certain terri-  
tory consti-  
tuted into a  
town.

Name.

Name of cor-  
poration.

**1.** The territory comprised within the present limits of the village of Côte St. Louis is constituted a town municipality, under the name of " Côte St. Louis " and the inhabitants of the said village are constituted a town corporation, under the name of the " corporation of the town of Côte St. Louis "

R. S. Q., art.  
4178 to 4615  
apply if not  
inconsistent.

**2.** The corporation of the town of Côte St. Louis, is subject to the law governing town corporations, contained in chapter 1 of title XI (articles 4178 and following) of the

Revised Statutes of the Province of Quebec, except where the present act may derogate therefrom or be inconsistent therewith.

3. All *procès-verbaux*, assessment rolls, titles, assets, accounts, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the council of the said village, shall continue to have full force and effect until they are cancelled, amended, repealed or fulfilled. Existing *procès-verbaux*, etc., of village continued, etc.

4. All notes, bonds, debentures, obligations and engagements whatsoever, subscribed, endorsed, accepted, issued or contracted by the said council, up to the coming into force of this act, shall have all their legal effect, notwithstanding the passing of this act. Notes, etc., to have their legal effect.

5. The municipality of the town of Côte St. Louis may annex itself to the city of Montreal, and the annexation shall be effected in the manner prescribed by the charter of the city of Montreal 1889, (52 Vict., chap. 79). Annexation to city of Montreal provided for. To be effected under 52 V., c. 72.

## SECTION II.

### COUNCIL OF THE CORPORATION.

6. The council, as constituted by this act, is substituted, for all purposes whatsoever, to the corporation of the village of Côte St. Louis, and succeeds to it in all its rights, powers, privileges, claims and obligations. Council under this act to be substituted to corporation of village.

However, the council of the said village shall remain in office and exercise all the powers conferred by this act upon the council of Côte St. Louis until the first sitting of the council, which shall be elected or appointed under this act. Village council to continue until first sitting of council under this act.

7. The present municipal officers and employees of the said village shall remain in office until they are removed or replaced by the council. Present municipal officers continued in office.

8. The town shall be divided into three wards, as follows, to wit: Dividing town into wards.

The first ward shall comprise all electors upon real estate situated in Mount Royal Avenue to the limits of the parish of St. Laurent, from the limits of the municipality of St. Louis du Mile End to the centre of Rivard street. First ward;

The second ward, from Mount Royal Avenue to the limits of the parish of St. Laurent, from the south side of Rivard street to the depth of the lots on Berry street and the centre of Carrières street. Second ward

- Third ward** The third ward, from Mount Royal Avenue to the limits of the parish of St. Laurent, from St. Etienne street inclusively to Papineau road.
- Alteration of wards.** The said wards cannot be altered except by the affirmative vote of at least five councillors.
- List of municipal electors to be prepared in October.** **9.** In the month of October in each year, the secretary-treasurer shall make out, for each ward, an alphabetical list of the persons who appear, by the valuation roll, to be municipal electors.
- Qualification of electors to vote.** No elector can vote unless he has paid his taxes on or before the fifteenth day of July for the next general election, and on or before the twentieth of December in each year for all subsequent elections.
- Composition of council** **10.** The municipal council of the town shall consist of a mayor and nine councillors, elected as hereinafter prescribed.
- Councillors for each ward.** There shall be three councillors for each ward.
- Quorum of council.** **11.** The quorum of the council is five councillors.
- Term of office of mayor and councillors.** **12.** The mayor is elected for one year and the councillors for three years.
- When first election under act to be held.** **13.** The first general election of the town council shall be held on the second Monday of the month of August next, and the voting, if any, the third Monday of the said month of August.
- If day fixed be a holiday.** If such day is a holiday, the election shall be held on the next following juridical day.
- Election to be by ballot.** **14.** The municipal elections of the town for mayor and councillors shall be by ballot; and the principles of the Quebec Election Act, as set forth in articles 283 to 416, inclusively, of the Revised Statutes of the Province of Quebec, as well as the forms therein referred to, with the changes and modifications effected thereto by articles 55, 56, 57, 58, 59, inclusively, of the charter of the city of Montreal, with their forms, shall apply to the said elections.
- R. S. Q., art. 283 to 416 to apply.**
- and 51 V., c. 79, ss. 55 to 59 also.**
- Proviso as to application of R. S. Q., Title XI, c. 1.** Two-thirds of the members of the council may, however, by by-law or resolution, decide that the elections subsequent to the first elections be held as provided for in the act respecting town corporations.
- One councillor to retire for each ward afterwards.** **15.** One councillor for each ward shall go out of office at each of the general elections subsequent to the first general election.
- Lots to be drawn to ascertain council.** **16.** Lots shall be drawn, in the manner prescribed by the council, to decide who shall be the councillors to go out

of office at the first election after the first general election. clerks to retire at first election after first general.

**17.** The first session of the town council shall be held in one of the rooms of the town-hall on the Wednesday following the close of the general election. When and where first session of town council to be held.

**18.** The secretary-treasurer may, for and in the name of the corporation, answer all interrogatories upon articulated facts served upon the corporation, and the assistant-secretary-treasurer appointed by the council shall have power to make the declaration, required by law, for and in the name of the corporation as garnishee, without being authorized by a resolution of the town council for that purpose. Secretary-treasurer to answer interrogatories on articulated facts and assistant to make declarations as garnishee.

## TITLE II.

### POWERS OF THE COUNCIL.

#### SECTION I.

##### POWER TO PASS BY-LAWS.

**19.** Notwithstanding article 4414 of the Revised Statutes of the Province of Quebec, the town council may fix a sum not exceeding one hundred dollars, payable for the granting of a certificate for obtaining a license for the sale of spirituous, vinous, alcoholic and intoxicating liquors. Certain sum may be charged for license certificate, notwithstanding R. S., art. 4414.

**20.** The town council may, by by-law :

1. Limit the number of public or private slaughter-houses in the town, or prohibit them altogether ; Power to make by-laws as to : Slaughter-houses ;

2. Order that the transporting of all things which are dangerous or injurious to public health and safety be effected at certain hours of the night and through certain streets of the town ; Transport of dangerous articles, etc ;

3. Prevent sheds, stables, closets or other similar buildings being erected on any lot in the town, at a distance less than thirty feet from the street, and, upon indemnifying the proprietors, to cause all existing buildings to be removed, if they be not erected at such distance ; Construction of sheds, etc ;

4. Prevent dealers in lumber, oil, fluids, hay, straw, and all other inflammable materials, from carrying on their business without the authorization of the council ; prevent the storing of any such inflammable materials in any buildings contrary to the provisions of the by-laws which may be passed in that respect ; Dealers in lumber, etc ; Storage of inflammable materials ;

5. Fix and determine the alignment of buildings on streets, roads and avenues ; and regulate the manner to be Alignment of streets and buildings ;

- Materials of buildings ; followed in and the materials to be used in the erection or repair of buildings with a view of protecting them, as well as the persons living therein, against any accident by fire, with power to hold the owner, builder or person in possession of the said buildings responsible for any breach of the said by-laws ;
- Expropriation of lands, etc ; 6. Expropriate, in the manner required by law, the buildings and the land upon which buildings and houses are at present erected which are not in accordance with the by-laws which may be passed in virtue of the preceding provisions of paragraph 5 ;
- Licensing of carters ; 7. Compel every carter to take out a license from the corporation for the purpose of pursuing his occupation in the municipality and prevent him from so pursuing his occupation without such license ;
- Duration of license ; Such license cannot be granted for a longer period than twelve months ;
- Price thereof ; The price of such license shall not exceed forty dollars for persons residing in the town, and one hundred dollars for those who do not reside in it ; and the council may establish a scale according to the kind of vehicle ;
- Rights conferred thereby ; Every licensed carter or common carrier may transport goods out of the town or bring persons who come from any municipality constituted under any act, without paying a license or municipal tax on account of such transporting in any other municipality ;
- Further rights ; Every carter may also, without being compelled to take out any other license or to pay any other tax, transport goods or passengers from the town to the municipality in which he has obtained his license ;
- Licensing drivers of public and private vehicles ; 8. Authorize the granting of licenses to owners and drivers of public or private vehicles ; compel them to take out an annual license, and regulate everything concerning such carters and their vehicles ;
- Regulating wheeled vehicles, etc ; 9. Regulate the dimensions of the wheels of vehicles of carters or common carriers, whether such carters have obtained their licenses in the town or in the adjoining municipalities, and prevent wheeled traffic not in accordance with the requirements of the by-laws ;
- Water supply ; 10. Provide for the supply and consumption of water ; and, for that purpose, enter into agreements with any company or adjoining municipality ;
- Fencing dangerous property ; 11. Order proprietors, tenants or occupants of quarries to fence in and guard any quarry which may be dangerous to the public safety ;
- Markets and market places ; 12. Erect, change, abolish or maintain public markets and market places ; regulate the leasing of stalls or other places in or around the market for selling or exposing for sale all kinds of articles or produce or any articles in particular, and prohibit private stalls and the selling of fresh meat or fish outside of the market ;

18. Prohibit the trade of fortune telling and the use of any subtle artifice, means or divination by palmistry or otherwise with a view of deceiving Her Majesty's subjects and imposing upon them. Furtune telling, etc ;

## SECTION II.

## MISCELLANEOUS POWERS.

21. The town council may make any agreements with the Montreal Turnpike Trustees or any other turnpike road companies, in connection with the maintenance of the roads now under the control of such trustees or companies, or for the purpose of acquiring and maintaining the same at its own expense, or for the purpose of farming out the same or changing the direction or location thereof. Council may make agreements respecting certain roads.

22. The council may, by by-law, convert, in such manner as it may deem expedient, all the debts and obligations now due by the village of Côte St. Louis, and redeem the same by the issue of bonds or debentures, subject to the approval of the electors in the ordinary manner required for loans. Conversion of debt.

23. The council may cause plans of the town to be prepared, and have the surveys thereof made by a provincial land surveyor, on a scale of not less than four inches to the mile. Plans of town.

When the general plan of the town shall have been made by order of the council, which plan shall indicate the various streets or squares of the town, and such plan shall have been homologated by the council and by one of the judges of the Superior Court for the district of Montreal, no one shall erect any building whatsoever within the line of such streets or squares. What to contain. Building after plan has been homologated.

The council may cause any building erected in contravention of the provisions of this article to be demolished, and the person contravening shall have no claim for compensation on account of the expropriation which may be necessary for the land required for the alignment of such streets or squares. Demolishing of buildings erected in contravention of article.

## SECTION III.

## EXECUTION OF THE BY-LAWS.

24. Every constable or police officer of the municipality may, without being required by the chief or by a member of the council or by the council itself, arrest on view any person found guilty of a contravention of the provisions of any municipal by-law punishable by a fine. Power of constables to make arrests on view.

if so ordained by the by-law, and take such person before a justice of the peace or the recorder, to be dealt with according to law.

### TITLE III.

#### TAXES.

##### SECTION I.

##### LEVYING OF TAXES.

Power of council to levy taxes for certain purposes upon:

Town lots and buildings;

Tenants;

Dogs.

Council may levy taxes, not to exceed certain sum; upon: Proprietors etc., of public houses;

Tax not exceeding certain sum upon: Proprietors etc., of theatres, etc.

- 25.** For the purpose of levying the moneys required by the town council, to meet the expenses of management, to provide for improvements, and redeem the obligations of the town, the council may levy the following annual taxes:
1. Upon every lot, town lot or part of a lot, with all the buildings thereon erected, if any there be, a sum not exceeding a cent in the dollar on the total value, as shewn on the valuation roll of the town;
  2. Upon every tenant paying rent in the town, an annual sum of at least one dollar and not exceeding five cents in the dollar on the amount of the rent, when it exceeds twenty dollars per annum;
  3. Upon every dog kept by a person residing in the town, an annual sum not exceeding three dollars exigible from the owner or person harbouring the animal.

**26.** The council may also, by by-law, determine, impose and levy certain annual dues and taxes not exceeding two hundred dollars:

Upon every proprietor or occupant of a house of public entertainment, private boarding-house, inn, coffee-house and restaurant; upon every retailer of spirituous, vinous or fermented liquors; and

A tax not exceeding one hundred dollars determined and apportioned according to the occupation, trade, business, industry, kind of business or profession, according to the amount of business or professional revenue of the persons or companies hereinafter mentioned, to wit:

Upon every proprietor, possessor, agent and manager of theatres, circuses, billiards, bowling-alleys and all other games and amusements of any kind whatsoever; upon every auctioneer, grocer, baker, butcher, hawker, huckster, carter, livery-stable keeper, brewer, distiller and bottler; upon every trader, and proprietor or occupant of stone yards or ice-house or ice, manufacturer and their agents; upon every proprietor or keeper of coal or wood yard and slaughter-house; upon every broker, exchange broker, and pawnbroker or their agents; upon every banker, bank and bank agent; upon

all insurance companies and their agents ; upon all commission merchants and their employees ; upon all telegraph and telephone companies and their agents or operators ; upon all manufacturers of ginger beer, spruce-beer, and root-beer and their agents ; upon all brick manufacturers, lumber merchants, proprietors or occupants of mills driven by water, or steam power, and tanneries ; upon all heavy scales ; upon all bailiffs and druggists residing in the town ; and generally upon all commerce, industries, occupations, arts, trades and professions carried on or followed by all persons, firms or companies, railway companies excepted, either on their own account or as agents for others, and upon the premises in or upon which they are or may be carried on or followed.

**27.** The council may instruct the assessors to add to the valuation roll a list of the persons and moveable property taxed under the preceding articles.

List of taxable persons and property to be made by assessors.

## SECTION II.

### COLLECTION OF TAXES.

#### § 1.—*Mode of collection.*

**28.** The taxes are collected in the manner set forth in articles 4538 to 4556, inclusively, of the Revised Statutes of the Province of Quebec.

Collection of taxes effected under R. S. Q., art. 4538 to 4556.

#### § 2.—*Special provisions respecting the sale of immoveables liable for taxes.*

**29.** The sale of immoveables liable for taxes is effected in accordance with the provisions of this sub-section, which are substituted for articles 4557 and 4558 of the Revised Statutes of the Province of Quebec.

Sale of immoveables for taxes to be effected under this sub-section in lieu of R. S. Q., art. 4557 to 4558.

**30.** The secretary-treasurer shall prepare, before the twentieth day of January in each year, a list giving :

List to be prepared by secretary-treasurer.

1. The description of all the lots of land situate in the town on which municipal or school taxes are due, with the names of the proprietors, as shewn on the valuation roll ;

Description of lots in arrears for taxes.

2. The amount of the taxes on each lot opposite the description of the same.

Amount due.

**31.** This list is accompanied by a public notice, stating that the lots will be sold by public auction at the town-hall on the first Monday of the month of March following, at the hour of ten in the morning, in default of payment of the taxes due upon them and the costs incurred.

Public notice and what to contain.

Publication of list and notice. **32.** The list and notice accompanying the same shall be published once in the Quebec Official Gazette and twice in one or more newspapers of the city of Montreal or of the town of Côte St. Louis, if any there be, one in French and the other in English during the course of the month of February.

Proceedings at sale. **33.** At the date fixed for the sale, the secretary-treasurer himself or by another person sells such of the lots described in the list on which taxes are still due, after stating the amount to be levied upon each of them, including the share of the costs incurred by the sale, in proportion to the amount of the debt.

Adjudication of lots. **34.** Whosoever then offers to pay the amount of money to be levied, including costs, for the said lot or for the least undivided portion of the lot, becomes the purchaser thereof, and the lot or the undivided portion of the same is at once adjudged to him by the secretary-treasurer.

Certain articles of Municipal Code to apply. **35.** Articles 1001a, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020 and 1021 of the Municipal Code are incorporated with this act in so far as they may apply.

Redemption of lands sold how effected. **36.** The owner of every lot sold under the foregoing provisions may redeem the same within the two years following the date of the sale, by paying to the secretary-treasurer the amount expended for the purchase, including the certificate of sale and notice to the registrar, with interest at the rate of fifteen per cent per annum, every fraction of a year being counted as a whole year.

Who may redeem for proprietor. **37.** Any person, whether authorized or not, may redeem such lot of land in the same manner and within the same delay, but only in the name and for the benefit of the person who was the owner thereof at the time of the adjudication.

Receipt in such case. **38.** When such redemption is effected, by a person not specially authorized, the secretary-treasurer, in the discharge which he gives in duplicate, mentions the name, the quality and domicile of the person effecting such redemption.

Effect of registration of such receipt. **39.** Notwithstanding articles 1994 and 2009 of the Civil Code, such discharge, after being registered in the proper office, gives the person mentioned therein the right to be repaid the sum paid by him, with interest at eight per cent, and gives him a privileged hypothec on the lot in question, ranking after the municipal taxes, for the repayment of the moneys.

**40.** The purchaser may have himself reimbursed by the proprietor, or the person who redeems the property in his name, for the cost of all useful repairs and improvements made by him to the lot redeemed, unless he removes the same, as well as the amount of the taxes paid for the public or municipal works executed in connection with the lot, with interest at the rate of fifteen per cent per annum, every fraction of a year being counted as a whole year after the first year.

Right of purchaser to certain expenditure.

**41.** The claim of the purchaser is privileged upon the lot in question.

Claim privileged.

**42.** The purchaser may retain possession of the land redeemed until his claim is paid.

Land may be retained until claim paid.

**43.** If, during the two years following the date of the sale, the land so sold is not redeemed, the purchaser remains the irrevocable owner thereof.

If land not redeemed.

**44.** The action to set aside a sale of a lot of land, effected under the above provisions, or the right to invoke the illegality thereof, either of the persons whose land has been sold, or of third parties who might claim to be the owners thereof, is prescribed by two years from the date of the sale.

Prescription of action to set aside sale.

#### TITLE IV.

##### COMING INTO FORCE OF THIS ACT.

**45.** This act shall come into force on the day of its sanction.

Coming into force.

#### CAP. LXVI.

An Act to incorporate the town of Côte Saint Antoine.

[Assented to 2nd April, 1890.]

**WHEREAS** the corporation of the village of Côte Saint Antoine has prayed to be incorporated as a town, under the provisions of chapter first of title eleventh of the Revised Statutes of the Province of Quebec, respecting town corporations;

Preamble.

Whereas for the advantage and welfare of the said village it is expedient to grant such prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## TITLE I.

## ORGANIZATION OF THE CORPORATION.

## SECTION I.

## INCORPORATION OF THE TOWN.—GENERAL AND TEMPORARY PROVISIONS.

- 1.** The territory comprised within the boundaries of the present village of Côte Saint Antoine, and the inhabitants of the said village municipality, hereby constituted, and shall constitute a town corporation, under the name of "The corporation of the town of Côte Saint Antoine," and under the provisions of chapter first of title eleventh of the Revised Statutes of the Province of Quebec, respecting town corporations, hereinafter referred to and known as the general act, and all the articles of the said chapter, shall apply to the town of Côte Saint Antoine, hereby incorporated, and shall form part of this act, as if incorporated therein; with the exception of articles 4194, 4195, 4231, 4234, 4238, 4241, 4244, 4245, 4246, 4247, 4248, 4414, 4452, 4529, 4530 and 4536, which shall only apply to the town of Côte Saint Antoine, as hereinafter provided, and of articles 4486, 4487 and 4565 when expressly excepted as is hereinafter mentioned.
- 2.** The said corporation of the town of Côte Saint Antoine succeeds to all the rights and obligations of the village of Côte Saint Antoine. Until the first session of the council of the town of Côte Saint Antoine the council and municipal officers of the village shall be the council and officers of the said town.
- 3.** All the by-laws, resolutions and acts and valuation and assessment rolls, reports of commissioners and acts of the council of the village of Côte Saint Antoine, shall remain in force until they are repealed or amended by the council of the town of Côte Saint Antoine.
- 4.** The corporate seat of the corporation of the town of Côte Saint Antoine shall be within the limits of the said town, but the office of the said council may be in the city of Montreal, and special meetings of the council thereof may be held at the office of the said corporation in the city of Montreal.
- 5.** The first election of members of the council of the town of Côte Saint Antoine shall be held at the place where the sessions of the council of the village of Côte Saint Antoine have been heretofore held, and shall take place on the second Monday of January next at nine o'clock

in the forenoon, and shall be presided over by the secretary-treasurer of the village of Côte Saint Antoine, maintained in office as above, or, in his absence, by a person named by the majority of the electors present.

By whom presided over.

Nominations for this election must be made in writing, signed by at least five municipal electors and deposited with the presiding officer before the opening of the poll.

Nominations, how and by whom to be made.

The valuation rolls in force on the first day of January last shall remain in force until a new valuation roll shall be made, and the said rolls, as they existed on the day aforesaid, shall be proof of the qualification of electors for the first general election of councillors.

Certain valuation rolls to remain in force. To be proof of qualification of electors for first election.

#### SECTION II.

#### THE TOWN COUNCIL.

#### § 1.—*The Councillors, etc.*

6. The council of the town shall be composed of twelve councillors, who shall be elected for three years, except in the case provided by article 4197 of the general act, but four must be replaced at the time of the general election of the town following the first election provided by article 5, four more at the same time in the year that follows and so on in such a manner that four shall be appointed and elected for each subsequent year.

Composition of council. Term of office. Replacing of councillors.

7. The councillors, who are to retire at the first and second general elections after the first, shall be chosen by lot at the session of the council previous to the general election in the month of December preceding; and, in default, the retiring councillors shall be chosen by lot, by the presiding officer of the election in the presence of the municipal electors immediately after the opening of the meeting.

Councillors to retire at first and second election to be chosen by lot.

8. At the first session after any general elections of councillors, the members of the council must appoint as mayor any one of the councillors possessing the necessary qualifications.

Appointment of mayor.

9. The quorum of the council shall be a majority of its members.

Quorum of council.

Articles 4194 and 4195 of the general act shall not apply to the town of Côte Saint Antoine.

R. S. Q., art. 4194 and 4195 not to apply.

10. Articles 4231, 4234, 4238, 4241, 4244, 4245, 4246, 4247, and 4248 of the general act shall not apply to the town hereby incorporated, in so far as they affect the election of mayor only.

R. S. Q., art. 4231, 4234, 4238, 4241, 4244 to 4248 not to apply to election of mayor.

First meeting,  
where to be  
held.

**11.** The first meeting of the town council shall be held at the ordinary place of meeting of the council of the village of Côte Saint Antoine.

Seal.

**12.** The said corporation of the town of Côte Saint Antoine may have a seal, and alter and change the same at will.

§ 2.—*Special powers of the council.*

Power of  
council by  
by-law to:  
Restrain, etc.,  
sale of spiri-  
tuous liquors;

**13.** The municipal council of the said town shall have power, by by-law :

Restrain, etc.,  
slaughter-  
houses. ;

**1.** To restrain and regulate the sale of any malt, spirituous, vinous, alcoholic, or intoxicating liquors within the limits of the said town, and to fix a sum not more than one hundred dollars for the granting of each certificate to obtain a license authorizing the sale of the same in the town ;

Abate nui-  
sances, etc. ;

**2.** To restrain, regulate, or prohibit any person from maintaining, using, or keeping a slaughter-house in the town ;

Cause arrest  
of offenders  
against pub-  
lic peace.

**3.** To abate any public nuisance therein, endangering the lives, health or safety of the public ;

**4.** To cause the arrest on view and punishment of all persons in the said town disturbing the public peace, loitering in the streets, using profane, obscene or insulting language therein or to any person or persons therein, incommoding peaceable passengers, and all drunken persons, and any person or persons breaking any by-law of the town, respecting the public order, peace or health thereof ;

Regulate  
width, etc., of  
streets, etc. ;

**5.** To regulate the width of streets, in accordance with the general laws of the Province, and to establish or alter the level or grade of any roadway or sidewalk in any street ;

Fix building  
lines, etc., on  
streets, and  
regulate ma-  
terials, etc.,  
to be used in  
buildings, etc. ;

**6.** To fix and determine building lines on streets, roads and avenues, and to regulate the mode to be followed, and the material to be used in the erection or repair of buildings, with a view to security against fire, and the safety of the occupants, with power to hold the proprietor, builder, or person in possession of said building responsible for any contravention of said by-laws ;

Close streets,  
etc., and sell  
land thereof,  
etc. ;

**7.** To close any street or section of a street or public square, and sell the land for the benefit of the town, provided always if any person suffers damage thereby he receives compensation to be settled by arbitration ;

Have streets,  
etc., watered,  
etc. ;

**8.** To have the streets and sidewalks swept, watered and kept in good order ; and to have the snow removed therefrom at the expense of the corporation ;

Compel tele-  
graph, etc.,  
companies

**9.** To compel telegraph, telephone or electric light companies to put under ground their wires which are

within the limits of the town, as soon as the subways <sup>to put wires</sup> shall be built. <sup>under ground;</sup>

It may likewise pass a by-law for the purpose of defining and prescribing the method by which electricity shall be supplied and applied for lighting, and the intensity <sup>Define method, etc., of</sup> and strength of the currents and the insulation of the <sup>supplying electricity, etc., for lighting, etc.:</sup> wires;

And it may, generally adopt any measure required <sup>Protect lives</sup> for protecting the lives and property of citizens, amongst <sup>of citizens ;</sup> others, to construct or cause to be constructed conduits or <sup>Cause conduits, etc., to</sup> under ground tubes in the streets and lanes of the city, <sup>be constructed for</sup> for receiving the telegraph, telephone and electric wires <sup>wires, etc.,</sup> of the various telegraph, telephone and electric light companies and other similar companies, in consideration of <sup>agree as to compensation to be</sup> such yearly remuneration as the council may agree upon <sup>paid by telegraph, etc.,</sup> with the consent of the said companies, or, in default of <sup>companies therefor;</sup> such agreement, the remuneration shall be determined by arbitrators, one to be appointed by the town and the other by such companies and in the event of their differing in <sup>Arbitration in</sup> opinion, such experts shall appoint a third arbitrator; <sup>default of</sup> finally if they cannot agree upon the choice of such third <sup>agreement ;</sup> arbitrator, the Superior Court shall appoint one.

10. To raise, by assessment, money sufficient to make <sup>Raise money</sup> or repair one or more common sewers in any street of the <sup>by assessment for</sup> town, from all the owners of lands situate in such streets, <sup>making common sewers,</sup> or from such owners as may be declared interested in and <sup>etc;</sup> benefited by such works; to determine the mode of making such sewers and the manner of collecting such taxes ;

11. To regulate the time when private drains may be <sup>Regulate,</sup> made, as also the manner and material with which the <sup>etc., making</sup> same may be constructed, the corporation making the same <sup>of private</sup> from the line of the street to the common sewer, and to <sup>drains.</sup> assess the cost of the same on the owners of such property.

14. Articles 4414 and 4452 of the general act shall not <sup>R. S. Q. art.,</sup> apply to the town of Côte Saint Antoine. <sup>4414 and 4452</sup> <sup>not to apply.</sup>

### § 3.—Loans.

15. Article 4529 of the general act is replaced by the <sup>R. S. Q., art.</sup> following : <sup>4529 replaced</sup>

“Town loans, whether by the issue of debentures or <sup>for town.</sup> otherwise, shall only be made on a by-law of the council <sup>How town</sup> to that effect, approved by a majority in number and in <sup>loans are to</sup> real value of the proprietors, who are municipal electors, <sup>be effected</sup> and who, at the time fixed, actually cast their votes for or <sup>and approval</sup> against such by-law ; but, if one hour shall elapse after <sup>of by-law, etc.,</sup> the opening of the meeting held for the approval or dis- <sup>therefor.</sup> approval of the said by-law without a demand for a vote, the by-law respecting such loans shall be deemed as approved.”

R. S. Q., art. 4530 replaced for town. New loans not be contracted in certain event unless specially authorized by Lieutenant-Governor and approved by real estate owners.

**16.** Article 4530 of the general act is replaced by the following:

"When the interest and the sinking fund of the sums borrowed by the corporation shall absorb half the revenue of the town, the council shall not, in any case, contract a new loan without having been specially authorized thereto by the Lieutenant-Governor in Council, and, moreover, without having obtained the approval of the majority in number and in real value of the proprietors who are municipal electors, and who, at the time fixed, actually cast their votes for or against such by-law; but, if one hour shall elapse after the opening of the meeting held for the approval or disapproval of the said by-law without a demand for a vote, the by-law respecting such loans shall be deemed as approved.

Special tax for payment of interest to be levied by such by-law.

Any by-law authorizing a loan by virtue of this section shall levy a special annual tax which shall be sufficient for the payment of the interest for each year, and of one per cent per annum, at least, as sinking fund, until the debt is extinguished."

#### § 4.—*Voting on Loans.*

R. S. Q., art. 4536 replaced for town. Counting of votes after the close of election and statement to be laid before council.

**17.** Article 4536 of the general act is replaced by the following:

"At the close of the poll, the mayor shall count the "yeas" and the "nays", and within the four days following he shall lay before the council the result of the voting, together with a statement showing the value of the taxable real estate of each of the voters, according to the valuation roll in force.

Certificate shewing whether majority in number and value approved, etc., of by-law.

A certificate shall be given under the hand of the mayor and of the secretary-treasurer for the information of the council, shewing whether the majority in number and taxable real value who have voted, approved or disapproved of such by-law.

Certificate, if no poll demanded.

If no poll or vote has been demanded, a certificate to that effect shall be given under the hand of the mayor and secretary-treasurer.

Poll books to be laid before council.

If the council desire to examine the poll books, they shall be forthwith laid before it.

Casting vote of mayor

In the case of an equal division of votes, the mayor shall give his casting vote."

#### SECTION III.

#### PREVIOUS ACTS IN FORCE.

#### § 1.—*Certain changes.*

42-43 Vict., c. 43, to apply to act with

**18.** The provisions of the act 42-43 Vict., chap. 43, shall remain in force and be applicable to the present act,

subject however to the amendments contained in the act amendments of 48 Vict., chap. 73, and also subject to such changes and c. 73, and of modifications as may be contained in the present act. this act.

**19.** The provisions of 48 Vict., chap. 73, shall also 48 Vict., c. 73, remain in force and be applicable to the present act, with also to apply subject to the exceptions of the sections thereof hereinafter mentioned amendments by this act. which are repealed or amended, as hereinafter set forth, to wit :

**20.** Section 2 of the last mentioned act (48 Vict., chap. 48 Vict., c. 73, 73) is repealed. s. 2, repealed.

**21.** Section 3 of the said last mentioned act is hereby 48 Vict., c. 73, repealed. s. 3, repealed.

**22.** Section 4 of the said last mentioned act is replaced 48 Vict., c. 73, by the following : s. 4, repealed.

§ 2.—*By-laws for improvement.*

" 4. The council may, from time to time, make, amend and repeal by-laws to raise, by special assessment or assessments, money sufficient to open, widen, prolong or alter, macadamize, grade or level, or otherwise make or pave any street, road, avenue, boulevard, lane, or alley, public way or place, or any section or sections thereof, in the town of Côte Saint Antoine, and to acquire and lay water pipes therein, and construct hydrants thereon, as may be necessary to supply the inhabitants with water, and as a protection against fire, and to make, enlarge and prolong any common sewer or drain therein, and to construct such bridge or bridges therein as may be necessary, and to fence in such streets, roads, avenues, boulevards, lanes, or alleys, public ways or places, or any section or sections thereof, and to make, carry out, and complete such work or works, unless, within thirty days from the date of the promulgation of such by-law, a petition to the contrary be presented to the council, signed by such number of proprietors, tutors, administrators, guardians, curators, institutes under substitutions, trustees, and the like, as are seized, possessed or interested in or as own more than one half of the aggregate frontage of any of the said streets, roads, avenues, boulevards, lanes or alleys, public ways, or places, or any section or sections thereof.

A notice, stating in general terms the purpose of the said by-law and the delay for contesting the same, shall be inserted within one week from the passing thereof and for a period of at least ten days in one or more daily newspapers published in the city of Montreal."

Power of council to make by-laws to levy money to open, widen, etc., streets, etc., lay water pipes, hydrants, build bridges, make fences, etc.

Proviso as to objections by proprietors.

Notice of by-law to be published giving delay for contesting same.

§ 3.—*Petition against by-laws.*

48 Vict., c. 73,  
s. 5, replaced. **23.** Section 5 of the last mentioned act is replaced by the following :

Special taxes  
may be  
levied to pay  
for improve-  
ments.

“ 5. The council may lay, levy, and raise such special assessment or assessments to pay for the said improvements or any or all of them, unless prevented by a petition presented to the council, signed by the majority of the proprietors or others interested, as in the next preceding section mentioned ; may determine the mode, method, and manner in which the said improvement or improvements are to be made and carried out, and the manner of laying levying, and collecting such special assessment or assessments.”

48 Vict., c. 73,  
s. 6, replaced. **24.** Section 6 of the said last mentioned act is replaced by the following :

Council may  
acquire, etc.,  
and lay water  
pipes.

“ 6. The council may acquire, make and lay or cause to be made and laid all such water pipes, hydrants, drains and sewers, and do or cause to be done all such other works as may be necessary to that end.”

§ 4.—*Commissioners for special assessments.*

48 Vict., c. 73,  
s. 9, replaced. **25.** Section 9 of the said last mentioned act is replaced by the following :

Proceedings  
if improve-  
ments de-  
clared by  
council to be  
more than  
local.

“ 9. In the event of the council, by a resolution, declaring that any such improvement or improvements are more than local, and that a proportional part of the cost thereof should be borne and paid for by the properties interested in and benefited by such improvement other than the properties situate and fronting on the said street, road, avenue, boulevard, lane or alley, public way or place, or section or sections thereof, it may, by a petition, to be addressed to any of the judges of the Superior Court at Montreal, cause to be appointed three competent, disinterested commissioners ; but public notice shall be given in the ordinary manner by the secretary-treasurer, at least ten days before the presentation of such petition.

Appointment  
of commis-  
sioners in  
such case.

Notice to  
be given.

If any com-  
missioner  
dies.

In case any one of the commissioners dies or is disqualified, refuses or is unable to act, the said court or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect, to be presented by the town council, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor.”

48 Vict., c. 73,  
s. 10, re-  
placed. **26.** Section 10 of the last named act is replaced by the following :

" 10. The commissioners shall decide and determine who are the parties interested in, and to be specially assessed for the purposes of the proposed improvements, and decide in what proportion the costs of the said improvements shall be distributed over such area of territory and borne by the proprietors thereof.

Commissioners to decide who are interested.

" The said commissioners may also determine the price or compensation of all the immoveable property, including buildings thereon, required for any improvement which the council may order by by-law to be made, at one and the same time ; and, in so determining, the said commissioners shall follow the procedure laid down by the general act concerning expropriations for municipal purposes, but article 4565 of the general act shall not apply to such proceedings."

Commissioners to determine compensation to be paid.

Procedure to be followed by them.  
R. S. Q., art. 4565 not to apply.

27. Section 12 of the said last mentioned act is replaced by the following :

48 V., c. 73, s. 12 replaced.

" 12 The commissioners shall proceed, at the time and place fixed by them, and of which they shall have given at least ten days' public notice."

When commissioners to proceed.

#### § 5.—*Loans for improvements.*

28. Section 21 of the said last mentioned act is replaced by the following :

48 V., c. 73, s. 21 replaced.

" 21. The powers conferred on the corporation respecting loans shall apply to all the purposes mentioned in this act, and the corporation may, from time to time, contract such loan or loans as may be necessary to pay for the improvements made and carried out under the provisions of this act ; but any by-law authorizing any loan, as aforesaid, shall provide, from and out of the revenues of the corporation, an annual tax sufficient for the payment of interest in each year and of one per cent per annum at least of a sinking fund, until the debt is extinguished.

Certain powers respecting loan to apply to all purposes.

Articles 4486 and 4487 of the general act shall not apply to any of such loans."

R. S. Q., art. 4486 and 4487 not to apply.

#### § 6.—*Pavement of streets.*

29. Section 37 of the said last mentioned act is replaced by the following :

48 V., c. 73 s. 37 replaced.

" 37. The council may, by by-law or by-laws, if it deem expedient, cause any boulevard or boulevards, street or streets, or any section thereof, laid down on the plan of the municipality, made under the provisions of the act 40 Vict., chap. 39, as confirmed and ratified by the Superior Court, on the sixteenth day of June, eighteen hundred and eighty, to be opened, macadamized or otherwise paved."

Council may cause certain streets, etc., to be open and macadamized.

48 V., c. 73, s.  
40 repealed.

**30.** Section 40 of the said act 48 Vict., chap. 73, is hereby repealed.

#### SECTION IV.

##### REMEDIES FOR INFORMALITIES.

#### § 1.—*Errors in reports or assessment rolls.*

Rectification  
of errors, etc.,  
in proceedings  
in exprop-  
riation, etc.

**31.** In case there should, at the passing of this act or thereafter, exist any clerical error, omission or informality in any proceedings in expropriation or in the making out of any reports of commissioners, or of any roll of assessments prepared in respect of the cost of any improvement, whether such error, omission or informality be committed by the commissioners or any of them, or by those who are by law entrusted with such proceedings, the Superior Court or any judge thereof, may, upon petition to that effect, permit in its discretion the rectification of such error, omission, or informality upon such condition as to costs as the court or judge may order.

New report  
to be made if  
roll of assess-  
ment set  
aside.

**32.** When any roll of assessment, or report made by commissioners to defray the cost of any improvement is annulled by competent authority, the town may cause a new report to be made by commissioners appointed as hereinbefore provided with regard to commissioners; and all the provisions of law, with respect to the making of any such report or assessment and to all matters incidental thereto, shall apply to such report or assessment; provided always that proceedings for the making of any new report or assessment, or apportionment shall be commenced within six months, from the date of the annulment of the previous report or roll.

Proviso as to  
when pro-  
ceedings to be  
commenced.

New special  
assessment  
roll to be  
made if any  
special roll  
annulled.

**33.** If any special assessment roll is annulled by competent authority, the secretary-treasurer shall make another special assessment roll, for the same purpose, in the manner by law provided, and the same when, completed, according to the formalities prescribed, shall have full force and effect.

Proviso as to  
change of  
ownership in  
cases of  
assessment  
roll being  
annulled and  
new one  
made.

**34.** If, for the purpose of any improvement, any immoveable property is charged with any special assessment by any report or special assessment roll which is subsequently annulled by competent authority, and a new report and special assessment roll are made for the recovery of such special assessment, and if any change has taken place in the ownership of such property between the date of the first report and the date of the completion of the new special assessment roll, the new proprietor of such immoveable property, upon payment or demand of

the amount thereof, shall have the same right *en garantis* against his vendor in respect of such demand or payment, as if such property had become charged with a valid hypothec for such amount, at the date of the homologation of the first mentioned special assessment roll.

**35.** Whenever a report of commissioners or special roll of assessment for any street or other improvement shall be annulled or set aside, the payments made under the authority of the same shall not be thereby invalidated; but such payments, with interest added, shall go to the discharge of the respective amounts, to be fixed by the new report and assessment roll, subject, on the part of the rate-payer, to make good any deficiency or to receiving back any surplus according to the difference that may eventually exist between the old and the new reports and assessment rolls; and the present provision shall apply as well to reports and special assessment rolls heretofore made, as to those which may hereafter be made.

Payments  
under annul-  
led roll.

Application  
of article.

§ 2.—*Conveyance by tutors, &c.*

**36.** Corporations, husbands, tutors, administrators, guardians, curators, institutes under substitutions or trustees, who are seized or possessed of or interested in any immovable property subject to expropriation, may, not only for themselves, but for and in behalf of the persons whom they represent, or for whom or in trust for whom they are seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femmes couvertes*, or other persons, contract for, sell and convey such immovable to the town, and such contracts, sales and conveyances, shall be valid and effectual in law, to all intents and purposes whatsoever; and all corporations and persons whatsoever, contracting, selling or conveying, as aforesaid, are hereby indemnified for and in respect of such sale or cession which they shall respectively make, without, however, diminishing, in any manner whatever, the responsibilities of such corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances.

Power of cer-  
tain persons,  
etc., to convey  
property to  
corporation.

But in such case the price shall not be paid to the vendor until the authority of the Superior Court or judge shall have been obtained for such payment; and if such authority be not obtained within six months from the execution of the conveyance, the town may relieve itself from all further responsibility, in respect to such price, by paying the same into the hands of the prothonotary of the Superior Court for the benefit of whom it may concern.

Payment of  
price in such  
case.

## TITLE II.

## MISCELLANEOUS POWERS.

## SECTION I.

## ASSESSMENT FOR SEWERS.

How power of council to assess proprietors for sewers to be exercised.

**37.** The power of the council to assess proprietors to defray the cost of construction of a sewer in any street of the town may be exercised as to any sewers that may be ordered to be constructed by the council in any proposed street or lane or place not yet open to the public, when the council shall consider such sewer to be necessary in the interest of public health, or when necessary to obtain an outlet for the sewerage and drainage of the town.

## SECTION II.

## PLANS OF THE TOWN.

Plans, etc., of municipality to be binding when homologated.

**38.** Every plan or map of the municipality or any part thereof, already made or which may hereafter be made, when confirmed by the Superior Court, shall be binding upon the corporation and the proprietors therein interested, and upon all other persons whomsoever; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, public places or squares shown on the said plan or at the time of the widening of any of the streets, public places, or squares, indicated on the said plan, for any buildings or improvements whatsoever, that the proprietors or any persons whomsoever may have made or caused to be made after the confirmation of the said plan upon any land or property reserved either for new streets, public places or squares, or for the widening of any of the streets, public places or squares of the town.

Corporation to preserve right to widen streets, etc., upon resolution of council.

Provided that nothing contained in this act shall be construed as depriving the corporation of the right to widen or extend any of the streets, public places, or squares, designated in such plan, after its confirmation or of abandoning the opening of any new street, or of the widening or extending of any existing street, as shown on the said plan; but no such modification or alteration shall be made unless it be resolved at a meeting of the council, by a vote of two thirds of the members of the council; and thereupon any of the judges of the Superior Court may, upon a petition of the corporation, order that the duplicates of the said plan, deposited in the office of the prothonotary of the Superior Court, be modified or altered accordingly; and the said corporation may apply to any of the judges of the

Correction of plans there-after.

Superior Court for confirmation of any modification or alteration of the plan of the municipality already made; and which modification or alteration has been duly approved by a vote of two-thirds of the members of the council; and the said judge may order that the duplicates of the said plan, deposited as aforesaid, be modified or altered accordingly.

**39.** A duplicate of each of the said plans shall be deposited immediately after its completion in the office of the prothonotary of the Superior Court and another in the archives of the corporation; and, after such plan shall have been confirmed and ratified by the said court, the secretary-treasurer shall make an entry upon the duplicate of the said plan deposited in the archives of the town in the following words: "Confirmed by the Superior Court on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand \_\_\_\_\_."

Deposit of duplicate of plans, etc., in office of prothonotary.  
Entry to be made thereon after homologation.

**40.** The town may open to the public any new street, highway, public place or square, shown on the said plans or maps, and also may widen any of the streets, public places or squares thereon indicated as to be widened, after having adopted the formalities and procedure relative to expropriation and the levying of special assessments; and said town shall be bound so to do within one year from being thereto requested by a petition presented to the council signed by such number of proprietors as own more than one half of the aggregate frontage on any of such new streets, highways, public plans or squares, or section or sections thereof, as shown on the said plans or maps, or by those representing, administering, or being interested in said aggregate frontage, whether as tutors administrators, guardians, institutes under substitutions, curators, trustees, or the like.

Power of council to open new streets shown on plans.  
Must do so if petitioned therefor by certain number of proprietors.

#### SECTION III.

##### POWER TO CARRY OUT IMPROVEMENTS.

**41.** The town may enter upon any land or property, street or highway for the purpose of laying or repairing pipes or other necessary works in connection with the water-works, on paying any damage occasioned for such work.

Power to enter land for purpose of water-works.

**42.** Whenever the council shall, by law or by-laws, order any local improvements to be made and carried out, it may, when any real property interested shall be situated on two or more streets or on one or two streets and a public square, decide what portion or part of the said property is benefited by the improvement made in such street or public square, and may, in consequence, appor-

Apportion extent of improvements on property situated on two streets.

tion the special tax or assessment to be levied on the said property to defray the cost of such improvement.

## SECTION IV.

## OATHS.

Before whom  
oaths to be  
taken.

**43.** All oaths required by the provisions of any act affecting the town of Côte Saint Antoine may be taken before the secretary-treasurer at the office of the council in the city of Montreal.

## SECTION V.

## EXISTING CONTRACTS, ETC.

Certain con-  
tracts not  
affected.

**44.** Nothing in this act shall affect the contracts existing with the city of Montreal, the town of Saint Henri and the town of Sainte Cunégonde, as respects an outlet or outlets for the sewerage or drainage of the town, or the commutation of the ordinary annual municipal taxes payable by the Montreal Amateur Athletic Association, as confirmed by the act 51-52 Vict., chap. 3.

Repairs to  
private roads,  
etc., used by  
public.

**45.** If any private road or avenue open to and used by the public should be in need of repairs, the council shall have the right to compel the owner or owners of the said road or avenue to make such repairs; and, if such repairs are not made within the delay fixed by the council, the council shall have the right to make such repairs and charge the cost thereof to, and recover the same from, such owner or owners.

If council  
pays more  
than one-  
fourth of cost  
of improve-  
ments more  
than local, it  
may levy  
assessments  
to cover cost.

**46.** If the council decides that any proposed improvement is more than a local improvement, and shall contribute to the payment thereof at least one-fourth of the cost, it shall have the right to cause the improvement to be made, notwithstanding anything hereinbefore contained, and levy assessments to cover the cost thereof, as provided by law, as respects such improvements, and the proprietors shall have no right of veto in such case.

Power to  
acquire Côte  
Saint-Antoine  
water-works.

**47.** The said corporation is authorized through its council to purchase and acquire from the Côte Saint-Antoine water company, on such terms as the council may deem advisable, the water pipes, plant, rights and privileges and property of every description now owned, or that may be hereafter owned by said company, in said town or elsewhere, or such other like property as may hereafter be owned by any other company, person or persons, in said town or elsewhere, and to use the same for the purpose of supplying the town with water, or as a protection against fire, so far as the same may be useful.

In order to obtain funds for the purchase of said property or of any part thereof, or of any extension of said system of water supply, the corporation may contract a loan, and issue bonds or debentures on the credit of the said town of Côte Saint Antoine, to the amount of one hundred thousand dollars, in conformity with the powers conferred on it respecting loans, on the terms and conditions to be determined by by-law or by-laws; but articles 4486 and 4487 of the general act shall not apply to any of such loans.

Power to effect loan for such purpose.

R. S. Q., art. 4486 and 4487 not to apply.

48. In the event of any commissioner, appointed under the provisions of any by-law of the council of the village of Côte Saint-Antoine, passed or that may be, by the said council of the village of Côte Saint-Antoine, hereafter passed, having died, or dying, or being disqualified or refusing or being unable to act, the said Superior Court, or one of the judges thereof, as the case may be, shall, upon a summary petition to be presented by the town after two days' notice given to be given to proprietors or subsequent proprietors interested, replace such commissioner by another competent or disinterested person, upon whom the said office shall be binding as upon his predecessor.

Proviso if any commissioner appointed under by-laws of village dies or refuses to act.

#### SECTION VI.

#### FINAL PROVISIONS.

49. All acts, inconsistent with the provisions of this act, are hereby repealed; but the repeal of such acts shall not be understood as affecting any matter or thing done or required to be done, resolutions, orders, or other proceedings of the council, or by-laws made by virtue of such acts or rolls of assessment, of reports of commissioners; but such matters or things, by-laws, reports of commissioners or rolls of assessments shall continue to be regulated by such acts until they shall be changed, altered, replaced or repealed by any proceedings adopted in virtue of this act.

Inconsistent acts repealed. Effect of repeal.

50. This act shall come into force on the day of its sanction.

Coming into force.

## CAP. LXXVII.

## An Act to incorporate the town of Bedford.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS the provisions of the Municipal Code do not meet the present wants of the inhabitants of the village of Bedford and surrounding inhabitants, who are desirous that the same shall be incorporated as a town having a special act of incorporation ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## TITLE I.

## ORGANIZATION OF THE CORPORATION.

## SECTION I.

## GENERAL POWERS.

Certain persons incorporated.

Name.

General powers, etc.

**1.** The inhabitants of the town of Bedford, as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, by the name of " The corporation of the town of Bedford. "

By that name, they and their successors shall have a common seal, and shall have all the rights and privileges and be subject to all the obligations of corporations, and shall be separated from the county of Missisquoi for all municipal purposes, and shall have all the powers and privileges conferred upon such corporations by the Revised Statutes of the Province of Quebec, Title XI, chapters first and second.

## SECTION II.

## TEMPORARY PROVISIONS.

Present by-laws, etc., continued, etc.

Present mayor and councillors of township, etc., continued in office as also present municipal officers.

**2.** All by-laws, orders, municipal rolls or acts governing or relating to the territory hereby erected into a town, before its erection as such, shall, in all respects, continue to have force and effect until they have been amended or repealed by the town council to be hereafter elected.

The mayor and councillors of the municipality of the township of Stanbridge shall remain in office until an election shall have taken place under this act ; and they shall continue to fulfil their duties and have jurisdiction over all the territory known to-day as the municipality of the township of Stanbridge, and over that part thereof to be erected into a town, as though they had been elected under the provisions of this act ; and all the municipal

officers of the municipality of the township of Stanbridge shall so remain until their successors shall have been elected or appointed under this act.

### SECTION III.

#### TOWN LIMITS.—DIVISION INTO WARDS

##### § 1.—*Town limits.*

**3.** The town of Bedford shall comprise all that portion Limits of the of the township of Stanbridge found within the limits of town. lots numbers one to fourteen, both inclusive, of the fifth, sixth and seventh ranges of lots of the primitive survey of the township of Stanbridge; and bounded towards the North by the line of division between lots fourteen and fifteen in the said fifth, sixth and seventh ranges; towards the South by the south outline of lots numbers one in the said fifth, sixth and seventh ranges, being the township line dividing the said township of Stanbridge from the parish of St. Armand West; towards the East by the concession line between the fourth and fifth ranges, from the limits of the parish of St. Armand West, to lots number fifteen in the said ranges, and towards the West by the concession line between the seventh and eighth ranges from the limits of the said parish of St. Armand West, to lots number fifteen in the said seventh and eighth ranges.

##### § 2.—*Division into wards.*

**4.** The town shall be divided into three wards, which Division into shall be known under the names of: "North ward," "Centre ward," and "South ward," bounded as follows: wards:

The Centre ward shall commence at a point on the divi- Centre ward. sion line between lots numbers ten and eleven in the seventh range of lots where the west line of the land of the Lake Champlain and St. Lawrence Railway Company crosses the said lot line, and thence following in an easterly direction the division line between lots numbers ten and eleven in the said seventh, sixth and fifth ranges to where the same strikes Pike river; thence to the centre of Pike River and thence in a south-westerly direction, following the centre of the said river to the present line of division between the lands of Joseph Cyr and Mrs S. L. Cloyes; being between lots numbers 2138 and 21.6 on the official plan and book of reference of the cadastre of the said township of Stanbridge; thence following this division in a southerly direction and continuing the same to the division line between lots numbers seven and eight in the said fifth range; thence following this division line in a westerly direction between lots seven and eight in the

said fifth, sixth and seventh ranges to a point one hundred and three rods west from the concession line between the said sixth and seventh ranges; thence in a northerly direction parallel to the said concession line between the said sixth and seventh ranges to the south bank of Pike river; thence following the south bank of the said river in an easterly direction to the division line between lots numbers nine and ten in the said seventh range; thence following the said lot line to the west line of the land of the said railway company; thence following the west line of the land of the said railway company in a northerly direction to the place of beginning;

North ward.

The North ward shall be bounded as follows: commencing at the western boundary of the said town of Bedford, where it crosses the centre of the highway leading from Bedford to Stanbridge Station, between lots numbers nine and ten in the said seventh range, thence following the limits of the town in a northerly easterly and southerly direction to the centre of the road leading from Bedford to Stanbridge East, between lots eight and nine in the fifth range; thence following the centre of the said road in a westerly direction to the limits of the said Centre ward; thence following the limits of the said Centre ward in a northerly, westerly and southerly direction to the said highway leading from Bedford to Stanbridge Station; thence following the centre of this highway in a westerly direction to the place of beginning;

East ward.

The South ward shall include all the remaining portion of the said town of Bedford, not included in the said Centre and North wards.

### § 3.—*Change of ward limits.*

Power of council to change limits of wards.

Proviso.

5. The town council to be elected under the provisions of this act and their successors, shall have power to change the limits and extent of the said wards fixed by this section, if it is deemed necessary to do so for the better administration of affairs in the said town; provided always if any proprietor of land in the North or South wards immediately adjacent or contiguous to the limits of the said Centre ward gives a written notice to the council of the said town of his desire to have his property included in the said Centre ward, and the consent of the said authorities is given, by a by-law passed by them for such purpose in the usual manner, that the said property be included in the limits of the said Centre ward, and so on successively for other proprietors having property adjacent to the properties thus successively included within the limits of the said Centre ward, as aforesaid, and upon such being declared to be included by by-law as hereinabove provided, the said proprietors, whose property shall be in-

cluded within the limits of the said Centre ward, shall have and possess all municipal privileges and shall be subject to all the by-laws, obligations, duties and charges imposed upon the persons and property originally included within the limits of the said Centre ward.

**6.** Article 4472 of the Revised Statutes of the Province of Quebec shall not apply to this act. R. S. Q., art. 4472 not to apply.

#### SECTION IV.

##### THE TOWN COUNCIL.

**7.** The council of the town shall be composed of a mayor and six councillors : to wit, two councillors for each ward ; Composition of town council.

Each councillor shall hold office for a period of two years, excepting for the first election, when three of the said councillors shall retire by lot, one from each ward, at the time provided in article 4196 of the Revised Statutes of the Province of Quebec. Term of office exception.

**8.** The quorum of the said council shall be five. Quorum.

#### TITLE II.

##### MUNICIPAL ELECTIONS.

**9.** The first election for mayor and councillors shall be held within thirty days from the date when this act comes into force, at the town-hall of the said town of Bedford, at the hour of ten of the clock in the forenoon, and shall be presided over by the secretary-treasurer of the municipality of the township of Stanbridge, or, in his absence, by a person named by the majority of the electors present : and the valuation roll in force in the said township of Stanbridge, for that part included in the said town of Bedford, shall be proof of the qualification of electors for the above election of mayor and councillors. First election of mayor and councillors when and where to be held, etc.

Public notice of the said election shall be given in the usual manner of giving public notice in the said township of Stanbridge, eight days previous to the day of the said election by the said secretary-treasurer of the said municipality of the township of Stanbridge. Notice of such election.

#### TITLE III.

##### BY-LAWS AND TAXATION.

#### SECTION I.

##### POWER TO PASS CERTAIN BY-LAWS.

**10.** The council shall have power to make and put into force by-laws for the following objects : Power of council by by-law to :

Restrain for  
sale of  
liquors ;

Restrain, etc.,  
slaughter-  
houses ;

Abate nui-  
sances ;

Arrest, etc.,  
persons dis-  
turb public  
peace, etc.

1. To restrain, regulate or permit the sale of any spirituous, vinous, alcoholic or intoxicating liquors within the limits of the said town ;

2. To restrain, regulate or prohibit any person from constructing, maintaining, keeping or using a slaughter-house within the limits of the town ;

3. To abate and prevent any nuisance and anything endangering the lives, health or safety of the public in the town ;

4. To arrest and cause the arrest and punishment of all persons in the town disturbing the peace, loitering in the streets, swearing, using profane, obscene or insulting language, or incommoding peaceable passengers, and all drunken persons, drunkards, and every person or persons breaking any by-law of the town respecting public order, peace or health, and to detain such persons or to deliver them to the keeper of the prison or lock-up, or place of safety in the town, until the said persons shall have been brought before the mayor or some other justice of the peace, to be dealt with according to law, provided he be so brought within twenty-four hours after the offence.

#### SECTION II.

##### IMPOSITION OF TAXES.

#### § 1.—*Ordinary taxation.*

Power to levy  
taxes for cer-  
tain purposes  
upon :

11. In order to raise the necessary funds to meet the expenses of the town council, to provide for the necessary public improvements in the town, and to meet the liabilities it may incur under the provisions of this act, the town council shall be authorized to levy annually on persons and on moveable and immoveable property in the town, the taxes hereinafter designated, that is to say :

Lands ;

1. On all lands, town lots or parts of lots, with all the buildings and erections thereon if any, a sum not exceeding one and one half cent in the dollar of their whole value, as entered on the valuation roll of the town ;

Stocks in  
trade ;

2. On all stocks in trade, or goods kept by merchants or traders and exposed for sale on shelves in shops or kept in cellars or storehouses, a tax not exceeding one per cent on the estimated average value of such stocks in trade ;

Tenants ;

3. On each tenant paying rent in the town, an annual sum not less than one dollar, and not exceeding five cents in the dollar, on the amount of such rent, when it exceeds twenty dollars per annum ;

Male inhabi-  
tants ;

4 On each male inhabitant, of the age of twenty-one years, who has resided in the town for six months, and is

not a proprietor, tenant, apprentice or domestic servant therein, an annual sum of two dollars ;

5. On every dog kept by any person residing in the town, an annual sum not exceeding three dollars, which sum may be collected from the owner or harbinger thereof.

§ 2.—*Certain other taxes.*

**12.** It shall also be lawful for the council to regulate by by-law and to impose and levy certain annual duties or taxes to an amount not exceeding fifty dollars in each of the following cases :

1. Upon all proprietors, possessors, agents, managers and keepers in the town of theatres, menageries, circuses, and travelling shows, of billiard saloons, nine-pin alleys, and other places for games and amusements, of houses of public entertainment, taverns, coffee houses and eating houses ; and in case such persons should come and practise their industry for a time in the town, the council shall have against them the same recourse which is granted to it by article 11 of this act ;

2. On retailers of spirituous liquors, auctioneers, bairiffs, barbers, bakers, grocers, butchers, hawkers, hucksters, carters and livery stable keepers in the town, or proprietors or keepers of wood and coal yards, tanneries and slaughter-houses therein ;

3. On money changers, exchange brokers, pawnbrokers and their agents, mercantile clerks and book-keepers, banks, bankers and clerks and agents of banks, insurance and telegraph companies or their agents in the town, proprietors and occupants of mills moved by steam or water power therein, and generally ;

4. On all commerce, trades, arts and manufactures which have been and may be introduced into or exercised in the town, although not mentioned herein.

**13.** It shall also be lawful for the town council to impose and levy an annual tax upon every person practising in the town the profession of advocate, physician, notary, dentist, land surveyor, veterinary surgeon or any other liberal profession, not exceeding eight dollars per annum.

§ 3.—*Special instruction to the valuers.*

**14.** The council may instruct the valuers to include in the valuation roll a list of persons and moveable property taxed under the foregoing articles, and all the taxes and sums levied in virtue thereof shall be recoverable in law.

## SECTION III.

## LIMITATION OF REVISED STATUTES.

Word "elec-  
tor" defined  
for town in  
R. S. Q., arts.  
4531 to 4535.

**15.** In reference to articles 4531 and following to article 4535 inclusively of the said Revised Statutes of the Province of Quebec, the word "elector" shall mean only proprietors who are in possession of real estate in their own names or in that of their wives, having a valuation of not less than three hundred dollars.

R. S. Q., art.  
4546 not to  
apply to town.

**16.** Article 4546 of the Revised Statutes of the Province of Quebec shall not be applicable to the town of Bedford.

## SECTION IV

## SPECIAL TAXATION.

Council by by-  
law may levy  
certain taxes  
for roads, and  
bridges etc.

**17.** The council shall make by-laws in order to levy taxes upon and hereinbefore mentioned taxable property of the said town of Bedford, for all purposes whatsoever, and for the maintaining and rebuilding of all bridges in the said town of a span not less than eight feet; and to satisfy the demand of all obligations that the corporation of the said town of Bedford may be bound to assume on being separated from the present township of Stanbridge; but for the maintaining of roads and all local improvements, each ward shall be taxed separately and pay for all improvements made within its boundaries.

Proviso.

## SECTION V.

## POWER TO MAKE OTHER BY-LAWS.

Council may  
by by-law :

**18.** The council of the town shall also have the right to make, amend, repeal or replace by-laws, for the following purposes :

Forbid trot-  
ting, etc;

1. To forbid trotting or racing on bridges or in the public streets faster than a given rate;

Prohibit pipes  
on roofs, etc:

2. To prohibit pipes on roofs, and to determine, in certain cases, of what materials roofs shall be made;

Regulate  
wood and  
coal yards,  
etc ;

3. To regulate wood and coal yards and provide for the measurement of wood and coal;

Suppress  
games of  
skill, etc,

4. To suppress games of skill, hazard or exercise, or to allow them under license, and to restrain, regulate or prohibit the keeping of public billiard saloons, pigeon hole tables and other such establishments.

Regulate  
construction  
of privies, etc;

5. To regulate the construction of privies, cellars, drains, and ovens, and the supervision of steam engines of any factory or workshop;

Prevent  
sweeping,  
etc., being  
thrown in  
streets, etc ;

6. To prevent sweepings, filth or dirt being thrown in the streets, ditches, water-courses or on the sidewalks, and to order the removal of the same, and

Generally to use all the powers conferred upon towns and villages by the Municipal Code.

Use all powers conferred by Municipal Code.

19. All records, minutes of proceedings and papers, now in possession of the said council of the township of Stanbridge, shall continue to form part of the records of the said town of Bedford for the common use of the municipalities formed by the division of the township of Stanbridge.

Records, etc., in possession of council of township of Stanbridge to form part of records of town of Bedford, etc.

20. This act shall come into force on the day of its sanction.

Coming into force.

## CAP. LXXVIII.

An Act to incorporate the town of Victoriaville and to erect the municipality of the parish of Sainte-Victoire d'Arthabaska.

[Assented to 2nd April, 1890.]

WHEREAS the provisions of the Municipal Code no longer meet the requirements of the inhabitants of a portion of the village of Victoriaville, who wish to be incorporated as a town and to have a special charter; and whereas the inhabitants residing in the parish canonically and civilly erected, under the name of the "Parish of Sainte Victoire", with the exception of those who reside within the limits of the proposed town, desire to be incorporated as a parish municipality; Therefore, Her Majesty, by and with the advice and consent of Legislature of Quebec, enacts as follows:

Preamble.

### TITLE I.

#### PROVISIONS RESPECTING THE TOWN OF VICTORIAVILLE.

##### SECTION I.

##### ORGANISATION OF THE CORPORATION, LIMITS OF THE TOWN, TOWN COUNCIL, ETC.

1. The inhabitants of the town of Victoriaville, as constituted by this act, and their successors, are declared to be a body politic, under the name of "The Corporation of the Town of Victoriaville"; under such name they and their successors shall have a common seal, shall enjoy all the rights and be subject to all the obligations of corporations.

Town incorporated.

Name of corporation.

General powers.

They are separated from the county of Arthabaska for all municipal purposes.

Separated from county of Arthabaska.

R. S. Q., title  
XI, chapter  
1st, to apply  
if not dero-  
gated from  
by this act.

**2.** The town of Victoriaville, so incorporated, is subject to the operation of the law respecting town corporations, contained in chapter first of title XI [art. 4178 and following] of the Revised Statutes of the Province of Quebec, saving in so far as this act may derogate therefrom or may contain provisions inconsistent therewith.

Boundaries  
and territory  
of town.

**3.** The town of Victoriaville comprises the following territory, to wit :

" The portion of the village of Victoriaville included within the following boundaries, to wit : on the south-east, the village of Arthabaskaville ; on the south-west, the road called *Cinq Chicots* and the line dividing lots Nos. 24 and 25 from Nos 26 and 28 of the cadastre of Sainte-Victoire ; on the north-west, the north-east branch of the Nicolet River and the line dividing lots Nos 453 and 454 from lot No 459 of the cadastre of Sainte-Victoire ; on the north-east, the road which passes between the third and fourth ranges of Arthabaska, making a slight angle near lot No 494 of the cadastre, the latter number being also included in the projected town."

The road between the third and fourth ranges of Arthabaska is included in the limits of the town ; but the *Cinq Chicots* road is not included therein.

Division into  
wards,

**4.** The town is divided into three wards, called the " North ward," the " West ward " and the " South ward."

North ward.

The " North ward " comprises the portion which lies to the north of Notre-Dame street from lot No 494, inclusively, as far as the Grand Trunk Railway crossing, and to the east of Fabrique street, from the Grand Trunk Railway crossing to the line which divides lots Nos 453 and 454 from lot No 459 of the cadastre of Sainte-Victoire.

West ward.

The West ward comprises that portion which lies to the west of the Bulstrode road and to the north of the Grand Trunk Railway, starting from the crossing.

South ward.

The South ward comprises the remainder of the territory of the said town, bounded to the North by the two other wards.

Power of  
council to  
alter wards.

The town council has power to alter the limits and extent of the wards determined by this article and is vested with the powers conferred by article 4472 of the Revised Statutes of the Province of Quebec.

First election  
of councillors.

**5.** The first election of councillors shall be held on the first Monday in May after the coming into force of this act, or on the following day if such Monday be a non-judicial day, at the hour of ten in the morning, in the office of the secretary-treasurer of the village of Victoriaville and shall be presided by the secretary-treasurer of the said village remaining in office under article 22 of

this act, or by a person appointed by a majority of the electors.

**6.** The town council shall consist of seven councillors, who shall be elected for three years, except in the case provided for by article 4197 of the Revised Statutes of the Province of Quebec ; but three of them shall be replaced at the general election of the town following the first election provided for by the preceding article ; two others at the same date in the following year, and so on, in such manner that three shall be nominated and elected for the first year and two for the two subsequent years.

Number of  
and term of  
office of coun-  
cillors.  
How re-  
placed.

**7.** The West ward shall have one councillor, and each of the other wards, three.

Number of  
councillors  
for each ward.

**8.** The councillors retiring from office at the first and second general election after the first, shall be selected by lot at a sitting of the council previous to the general election in the course of the preceding month of December ; in default thereof the councillors retiring from office are selected by lot, by the officer presiding at the election, in the presence of the electors, immediately after the opening of the meeting.

How those  
who are to  
retire at first  
and second  
general elec-  
tions are  
selected.

**9.** At the first sitting following a general election of councillors, the members of the council appoint, as mayor, a councillor who possesses the necessary qualifications for the office.

Appointment  
of mayor.

**10.** Articles 4231, 4234, 4238, 4244 to 4248, inclusively, of the Revised Statutes of the Province of Quebec shall not apply to the town, in so far as relates to the election of mayor only.

R. S. Q., art.  
4231, 4234, 4238,  
4244 to 4248  
not to apply  
to election of  
mayor.

**11.** The quorum of the council shall consist of a majority of its members.

Quorum of  
council.

**12.** The first meeting of the town council shall be held in the place where the sittings of the council of the village of Victoriaville are usually held.

Place for first  
meeting of  
council.

#### SECTION II.

##### POWER TO MAKE CERTAIN BY-LAWS.

**13.** The municipal council of the town may, by by-law :

Powers to  
make by-laws:

1. Restrict or regulate the sale of all spirituous, vinous, alcoholic or fermented liquors within the limits of the said town ; fix a sum of not more than one hundred dollars for the granting of a certificate for obtaining a license to sell spirituous, vinous or fermented liquors in the town

Sale of  
liquors, etc ;

notwithstanding article 4414 of the Revised Statutes of the Province of Quebec ;

Abattoirs ; 2. Prevent any person from erecting, keeping or using abattoirs within the limits of the town or regulate the construction and manner of keeping the abattoirs ;

Nuisances ; 3. Remove and prevent all nuisances and everything which might endanger public health or safety in the town ;

Peace and good order. 4. Arrest, cause to be arrested and punished every person in the town disturbing the peace, loitering in the streets, swearing, using blasphemous, obscene or insulting language, or impeding peaceful people ; or persons under the influence of liquor, drunkards and those who infringe the by-laws of the town respecting the public peace, order or health ; and have such persons detained in custody and handed over to the guardian of the gaol or other place of safe-keeping until they are brought before the mayor or another justice of the peace to be dealt with according to law.

Council may : 14. The town council may also :

Prevent racing, etc ; 1. Prevent racing or trotting on the bridges and in the streets at a faster rate than that fixed by the by-laws ;

Prohibit pipes on roofs ; 2. Prohibit the placing of pipes on roofs ;

Regulate wood yards, etc ; 3. Make by-laws with reference to wood and coal yards and the measuring of wood and coal ;

Suppress games of strength, etc ; 4. Suppress games of strength, skill and hazard or authorize the same by license ; restrict, regulate or prohibit the keeping of public billiard-tables, shows, pigeon-hole tables or other similar establishments ;

Regulate construction of privies, etc ; 5. Regulate the construction of privies, cellars, drains and ovens, as well as the supervision of steam-engines in workshops and factories ;

Prevent filth, etc., being thrown into streets, etc ; 6. Prevent filth and dirt from being thrown into the streets, ditches or water-courses or on the sidewalks and order their removal ;

Exercise powers conferred by Municipal Code. 7. Exercise generally all the powers conferred upon towns and villages by the Municipal Code.

#### SECTION III.

#### TAXES AND LICENCES.

Power of council to levy taxes, etc. upon certain persons or property. 15. For the purpose of levying the moneys required by the town council to meet the expenses of management, to provide for improvements and redeem the obligations which it may impose upon itself, under the provisions of this act, the town council may levy upon persons, moveables, and immoveables in the town, the taxes herein-after set forth, to wit :

Town lots, etc ; 1. Upon every lot, town-lot or part of a lot, with all the buildings thereon erected, if any there be, a sum not exceeding a cent and a half in the dollar on the total value, as shewn on the valuation roll of the town ;

2. Upon all stocks-in-trade or goods kept by merchants and traders, exposed on shelves or kept in cellars or in stores, and upon all bailiffs, barbers, bakers, grocers, butchers, hucksters, carters, livery-stable keepers, proprietors or keepers of wood or coal yards, trades, manufacturers and merchants, clerks, a tax not exceeding the sum of twenty dollars upon each of such stocks-in-trade ;

Stocks-in-trade, etc;

3. Upon every tenant paying rent in the town, an annual sum of at least one dollar, and not exceeding five cents in the dollar on the amount of the rent when it exceeds twenty dollars per annum ;

Tenants, etc;

4. Upon every male inhabitant of the age of twenty-one years who is neither a proprietor, an occupant, an apprentice nor servant and who has resided six months in the town, an annual sum of two dollars ; except upon sons residing with their father and living in common with him.

Male inhabitants;

5. Upon every dog kept by a person residing in the town an annual sum not exceeding three dollars, exigible from the owner or person in possession of the animal.

Dogs.

**16.** The council may further, by by-law determine, impose and levy certain annual dues or taxes not exceeding one hundred dollars :

Council may levy certain dues upon:

1. Upon every proprietor, possessor, agent, manager and guardian of theatres, menageries, circuses and travelling shows, bowling alleys and other establishments for games and amusement, houses of public entertainment, inns, restaurants and coffee-houses ;

Proprietors, etc. of theatres, etc;

Proviso.

When such persons ply their occupations temporarily in the town, the council shall have the same recourse against them as that granted to it by article 13 of this act ;

2. Upon retailers of spirituous liquors, auctioneers, owners of tanneries and abattoirs in the town ;

Retailers of liquor, etc ;

3. Upon money and exchange brokers, pawnbrokers and their agents, banks, bankers, bank-clerks and agents, insurance and telegraph companies or their agents in the town, owners and occupants of mills driven by steam or by water-power ;

Money brokers, etc ;

4. And generally upon every trade, business, art and manufacture which is now or may hereafter be introduced or carried on in the town, although not mentioned in this act.

All trades, etc; generally.

The said dues or taxes shall not, however, exceed the sum of twenty-five dollars for each billiard-table.

Taxes upon billiard-tables limited.

**17.** The council may also impose and levy upon every person practising in the town as advocate, physician, notary, dentist, surveyor, veterinary surgeon, or practising any other liberal profession, an annual tax of eight dollars.

Taxes upon professional men.

Persons and  
property to be  
entered on  
valuation roll.

**18.** The council may instruct the assessors to add to the valuation roll a list of the persons and moveable property taxed under the preceding articles; and all taxes and sums so imposed shall be exigible.

Licenses for  
peddlers.

**19.** The council is empowered to compel every peddler or person who comes into the town temporarily for the purpose of selling goods from bankrupt stocks, or other goods, merchandize and articles of trade, to take out and pay for a license, not exceeding fifty dollars, for the sale of such merchandize so brought and exposed for sale in the town.

Valid for one  
year.

The said license shall be valid for only one year from the date thereof.

Proviso, if  
license not  
taken out.

In case a person so bound to take out a license, is not provided with one, the amount thereof shall be demanded of him by the secretary-treasurer or any other municipal officer; and in default of immediate payment such amount shall be levied without delay by means of a warrant under the hand and seal of the mayor, addressed to a bailiff of the Superior Court, and the merchandize shall be seized upon the very person of the vendor and sold for the payment of such license by such bailiff or any other, according to the rules of procedure followed for the execution of a writ *de bonis* issued by the Circuit Court.

#### SECTION IV.

##### TEMPORARY PROVISIONS.

Present by-  
laws, etc., con-  
tinued.

**20.** All the municipal by-laws, ordinances, rolls or *actes* relating to the territory hereby constituted as a town, before its erection and to any part thereof, shall continue to have full force and effect until they are amended or repealed by the town council elected under this act.

Present may-  
or, councillors  
and municipal  
officers conti-  
nued in office.

**21.** The mayor and councillors of the village of Victoriaville shall remain in office and have jurisdiction over the territory erected as a town until a new election is held under this act; and all the municipal officers of the said village shall continue to perform their duties until their successors are elected or appointed under this act.

Present valua-  
tion rolls con-  
tinued, etc;

**22.** The valuation rolls in force on the first of January last, in each part of the town, shall remain in force, until a new valuation roll is made; and such rolls as they existed at the date above mentioned shall be evidence of the electors' right to vote at the first general election of councillors.

Taxes, etc., to  
become  
property of

**23.** Every tax due or which may become due, within the limits of the territory constituted as a town before

the date of the first general election shall belong to the town and corporation of the village of Victoriaville and be collected by its officers. collected by its officers.  
ted by the council of the said village and by its secretary-treasurer remaining in office under article 21.

**24.** This act shall not in anywise affect the debts and obligations of the village of Victoriaville, which may be paid, divided or settled according to the provisions of chapter third, of title first of the Municipal Code. Debts, etc., of village not affected.

## TITLE II.

### PROVISIONS RESPECTING THE PARISH OF SAINTE VICTOIRE D'ARTHABASKA.

#### SECTION I.

#### ORGANIZATION OF THE MUNICIPALITY OF THE PARISH OF SAINTE VICTOIRE D'ARTHABASKA.

**25.** All that portion of the parish canonically and civilly erected under the name of the "Parish of Sainte Victoire," which is not comprised in the town of Victoriaville, constitutes, for all purposes whatsoever, a distinct local municipality, under the name of the "Municipality of the parish of Ste Victoire d'Arthabaska." Parish constituted a municipality. Name.

**26.** This municipality comprises :

The remainder of the territory of the village of Victoriaville, not included within the limits of the town of Victoriaville ; Territory of parish.

The West quarter of lot No 16 and lots No. 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of the twelfth range of the township of Stanfold, which shall hereafter be detached from the municipality of the township of Stanfold for all purposes whatsoever ;

Lots Nos 9, 10, 11 and 12 in the 6th range, and lots Nos. 9, 10 and 11 in the seventh range of Arthabaska, which shall hereafter be detached from the municipality of the parish of Saint Norbert d'Arthabaska for all purposes whatsoever ;

Lots Nos 1, 2 and 3 of the seventh range of Warwick, which shall hereafter be detached from the municipality of the parish of Saint Albert de Warwick for all purposes whatsoever ;

Lots Nos 1, 2 and 3 in each of the 9th, 10th and 11th ranges, and lots Nos 1, 2, 3, 4 and 5 of the 12th range of Bulstrode, and that part of lot No. 6 of the said 12th range of Bulstrode, situate to the north of the *Rivière-du-Loup*, which shall hereafter be detached from the municipality of the parish of St Valère de Bulstrode for all purposes whatsoever.

Parish to be  
a local  
municipality.  
Name.  
Subject to  
Municipal  
Code.

**27.** The said parish of Ste Victoire, as constituted by the two preceding articles, forms a distinct local municipality, under the name of the "Municipality of the parish of Ste Victoire d'Arthabaska", which is subject to the operation of the Municipal Code of the Province of Quebec, like every other local municipality, except as regards the objects specially provided for by this act.

Inhabitants  
constituted a  
corporation.  
Name.

**28.** The inhabitants and rate-payers of the said municipality constitute a local corporation subject to the provisions of the same Code, under the name of the "Corporation of the parish of Ste Victoire d'Arthabaska."

First election  
of councillors

**29.** The first election of councillors for the municipality of the parish of Ste Victoire d'Arthabaska shall take place on the first Monday in May after the coming into force of this act, or on the following day, if such Monday be a non-juridical day, at the hour of eleven in the forenoon, at the office of the secretary-treasurer of the village of Victoriaville, and shall be presided over by a person appointed by the majority of the electors present.

Elections how  
governed.

**30.** The elections thereafter shall be governed by the provisions of the Municipal Code.

## SECTION II.

### TRANSITORY PROVISIONS.

Valuation of  
property.

**31.** Until a new valuation roll is made, the valuation of the property comprised within the municipality of Ste Victoire shall be that shown on the valuation rolls of Victoriaville, Stanfold, St Valère de Bulstrode, St Norbert d'Arthabaska and Saint Albert de Warwick, respectively.

Coming into  
force.

**32.** This act shall come into force on the day of its sanction.

## CAP. LXXIX.

An Act to incorporate the Town of Magog and for the better management of education within its limits.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS the provisions of the Municipal Code do not meet the present wants of the corporation of the village of Magog, and it has become necessary to make more ample provisions for the internal management of the said village, in respect to its municipal and educa-

tional interests; and whereas the inhabitants of the said village are desirous that the same should be incorporated as a town and have a special act of incorporation, and application to that effect has been duly made; Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## PART I.

### PROVISIONS RESPECTING THE TOWN OF MAGOG.

#### INCORPORATION OF THE TOWN.

1. The inhabitants of the village of Magog and their successors shall be and they are hereby declared to be a body corporate and politic, in fact and in law, under the name of the "Corporation of the Town of Magog" and separated from the county of Stanstead for all municipal and school purposes.

Under that name, they and their successors shall have perpetual succession, and shall be capable of appearing in law, suing and being sued in all courts, and in all actions, causes and complaints whatsoever.

They shall have a common seal, which they may change or modify at pleasure.

They shall in law be capable of receiving by donation, acquiring, holding, transferring and alienating property, moveable and immovable, for the uses of the said town; becoming party to all contracts or agreements in the management of the affairs of the town, and giving and accepting all notes, drafts, bonds obligations, judgments or other instruments or securities for the payment of any sum of money, borrowed or loaned, or for the execution of any other duty, and generally all the other collective rights, which are necessary for the fulfilment of the duties imposed upon them.

2. The by-laws, orders, rolls and other municipal acts of the village of Magog as now constituted, and in force at the passing of this act, shall continue to be in force until they are amended or repealed by the council of the town presently incorporated.

#### BOUNDARIES OF THE TOWN.—DIVISION INTO WARDS.

3. The boundaries of the town of Magog shall be the present boundaries of the village of Magog.

4. The councillors of the town shall have power to divide the town into wards, to define the limits of each ward, and to change the same whenever it is considered in the interest of the town so to do.

Present councillors, etc., to remain in office.

Exception.

**5.** The councillors and officers of the town, in office at the passing of this act, shall remain in office until the expiration of their term, unless the council divides the town into wards: in such case an election shall be held on the second Monday in January next after such division, to replace all the councillors in office, and the newly elected councillors shall be elected for three years, excepting in first elections held after the coming into force of this act when articles 379 and 380, of the Municipal Code of the Province of Quebec shall apply.

Laws applicable to town.

**6.** The corporation of the town of Magog is subject to the provisions of the law governing town corporations, contained in chapter first of title XI (articles 4178 and following) of the Revised Statutes of the Province of Quebec, except in so far as this act may derogate therefrom or may contain provisions inconsistent therewith

#### CONSTITUTION OF THE COUNCIL.

Composition of council.

**7.** The municipal council of the town shall be composed of seven councillors whose term of office shall be three

Term of office of councillors.

years or until their successors are appointed.

Election of mayor and pro-mayor.

**8.** At the first session in each year, the council shall elect one of its members as mayor of the corporation, and another as pro-mayor, to replace the mayor when sick or absent, and who in his absence shall be vested with his powers.

Term of office of mayor.

The term of office of the mayor shall be one year, or until his successor is appointed.

#### MUNICIPAL ELECTIONS.

Time for holding municipal elections.

**9.** The municipal elections for the town shall take place on the second Monday of January of each year, commencing at ten o'clock in the forenoon.

Notice therefor.

Public notice, specifying the day, hour and place of such election, shall be given eight days previous to the same by the mayor or the secretary-treasurer of the town.

Nomination and polling when and where to be held.

**10.** Nomination and polling shall be held on the same day, and at such places in the several wards, if the town be divided into wards, wherein vacancies have occurred as shall be designated by the municipal council.

Presiding officer to be appointed.

**11.** The municipal council shall, at a session held previous to the election, appoint a presiding officer for the town if undivided, and if divided into wards, for each ward in which an election is to be held.

Before the division of the town into wards, if the person appointed as presiding officer is not present, the secretary-treasurer shall preside; if he be absent then the presiding officer shall be elected by a majority of the electors present.

In the event of the presiding officer for any of the wards being absent, the electors present shall choose a person to preside.

A candidate for the office of councillor shall not be appointed nor elected to act as presiding officer at any election of councillors.

**12.** Articles 4229, 4230, 4231, 4232, 4234, 4235, 4236, 4238, 4241, 4242, 4256, 4257, 4258 and 4259 of the Revised Statutes of the Province of Quebec shall not apply to the Town of Magog; neither shall any of the above provisions or those of articles 4233, 4237, 4239, 4240, 4243, to 4255, inclusively, 4260 to 4272, inclusively, of the said Revised Statutes, as to the election of mayor apply to the said town of Magog; articles 4486, 4487, and 4488 of the said Revised Statutes shall not apply to others than the town council of the town of Magog.

**13.** As regards the town of Magog the words "if after the same period of time" in article 4239 of the Revised Statutes shall be replaced by the words "if an hour after the opening of the meeting."

**14.** The words "held on the Monday following at the town-hall" in article 4240 of said Revised Statutes shall be replaced by the following words: "opened and held from ten o'clock in the forenoon until five o'clock in the afternoon of the same day,

"Nevertheless, if any time after the votes have commenced to be polled, one hour elapses without a vote being polled, the presiding officer must close the election, unless notice under oath is given him, that an elector has been, within the hour last past prevented from approaching the poll by violence, in which case the election shall not be closed until one hour after such violence has ceased."

**15.** The words "deputy presiding officer" in all the articles of said Revised Statutes, from article 4229 to article 4272 inclusively, shall be replaced by the words "presiding officer."

#### MUNICIPAL ELECTORS.

**16.** In addition to the municipal electors referred to in article 4227 of said Revised Statutes, all unmarried women and widows of the full age of twenty-one years and British

given to  
certain  
women.

subjects by birth or naturalization, and having all necessary property qualifications, and who have complied with all the other provisions of the said article 4227, shall have the right to vote for all school and municipal purposes; and the said article 4227 is hereby amended in this particular in respect to the town of Magog; and the council of the said town shall cause the names of such unmarried women and widows to be put upon the voters' list.

Electors who  
may vote on  
by-laws for  
raising money  
on credit of  
town.

**17.** No person shall vote upon any by-laws for the raising of money on the credit of the town, excepting the owners of real estate.

#### VACANCIES IN OFFICE OF COUNCILLOR.

Appointment  
of persons to  
replace coun-  
cillors in cases  
of vacancy.

**18.** The council of the town of Magog shall appoint a member to serve as councillor in the place of one whose office is made vacant by death, removal or other cause; the same shall be appointed immediately after the vacancy occurs, and shall hold office for the remainder of the term for which his predecessor was elected.

R. S. Q. art.  
4274 not be  
apply to town.

Article 4274 of the said Revised Statutes shall not apply in this respect to the town of Magog.

#### PROVISIONS AS TO TAXATION.

Power of  
council for  
certain  
purposes to  
levy taxes  
upon :

**19.** In order to meet the expenses of the said town council and to provide for the necessary public improvements in the said town, and in order to raise the necessary funds to meet such liabilities and to make such improvements, the said town council shall be authorized to levy, annually, on persons and on the taxable moveable and immoveable property in the town, the taxes hereinafter designated, that is to say :

Lands, etc ;

1. On all lands, town lots or parts of lots, with all the buildings and erections thereon, and whether there be buildings erected thereon or not, a sum not exceeding one cent and one half in the dollar of their whole value, as entered in the valuation roll of the town ;

Tenants, etc ;

2. On each tenant paying rent in the town, an annual sum not exceeding five cents in the dollar on the amount of such rent when it does not exceed twenty dollars per annum ;

Male inhabi-  
tants.

3. On each male inhabitant of the age of twenty-one years and over, who shall have resided in the said town for six months, and who is not otherwise taxed, an annual sum of not more than two dollars ;

Dogs.

4. On every dog kept by any person residing in the said town, an annual sum not exceeding three dollars, which may be collected from the owner, or harbored thereof.

**20.** It shall also be lawful for the council to regulate by by-law and to impose and levy certain annual duties or taxes to an amount not exceeding fifty dollars in each of the following cases, to wit :

Council by by-law may regulate and levy amounts, etc., upon :

1. Upon all proprietors, possessors, agents, managers and keepers in the said town of theatres, menageries, circuses and travelling shows, of billiard saloons, ten pin alleys and other places for games and amusements, of houses of public entertainment, taverns, coffee houses and eating houses ;

Proprietors, etc., of theatres, etc ;

2. On retailers of spirituous liquors, auctioneers, bailiffs, barbers, grocers, butchers, hawkers, hucksters, carters and livery stable keepers in the said town, or proprietors or keepers of wood and coal yards, tanneries and slaughter houses therein ;

Retailors of spirituous liquors, etc ;

3. On money changers, exchange brokers, pawnbrokers, and their agents, mercantile clerks and book-keepers, bankers and clerks and agents of bankers and banks, insurance, telegraph and telephone companies, or their agents in town, proprietors and occupants of mills moved by steam or water power therein, and generally,

Money changers, etc ;

4. On all commerce, trades, arts and manufactures which have been and may be introduced into or exercised in the town, although not mentioned herein.

All commerce generally, etc ;

**21.** It shall be lawful for the said town council to impose and levy an annual tax upon every person practising in the town the profession of advocate, physician, notary, dentist, land surveyor, veterinary surgeon or any other liberal profession, a sum not exceeding eight dollars per annum.

Council may levy taxes upon certain professional men.

**22.** The council may instruct the valuator to include, in the valuation roll, a list of the persons and moveable property taxed under the foregoing sections, and all taxes and sums levied in virtue thereof shall be recoverable in law.

Council may instruct valuator to include above mentioned persons, etc., in roll.

The amount of the taxes upon the above specified persons and properties up to the sum therein named fifty dollars is discretionary with the said council.

Amount discretionary up to certain sum.

**23.** The council shall have power to compel impose a tax not exceeding fifty dollars per annum upon all pedlars, or persons who shall temporarily come into the said town to sell goods from bankrupt or other stock, articles of commerce or effects, for the sale of such merchandize so brought to and exposed or offered for sale in the said town.

Tax may be imposed upon pedlars, etc ;

If such tax is not paid, the amount thereof shall be demanded by the secretary-treasurer or other municipal officer, and if not paid then forthwith, it may be collected

If tax not paid amount may be levied by distress, etc.

by a warrant issued under the hand and seal of the mayor immediately after said default and addressed to a bailiff of a Superior Court, and the said merchandize may be seized even upon the person of the vendor and sold for the payment of the said tax by such or any other bailiff under the same rules of procedure as a writ of execution *de bonis* issued from the Circuit Court.

#### SALE OF LANDS FOR TAXES.

Statement of  
overdue taxes  
to be sub-  
mitted to  
council.

**24.** In the month of November, in each year, the secretary-treasurer shall prepare a statement of the overdue taxes in the manner prescribed by article 371 of the Municipal Code of the Province of Quebec and submit the same to the council.

Sale of real  
estate for  
arrears of  
taxes when to  
be held.

**25.** On the first juridical day of March, in each year, the secretary-treasurer or some other person acting for him, may sell at his office by public auction, to the highest bidder, the immoveable properties upon which there shall be due at least one year's arrears of municipal or school taxes.

Notice to be  
published.

**26.** Notice of such sale shall be given by advertisement published twice during the preceding month of January, in the Quebec Official Gazette and in one or more newspapers published in the district.

What to  
contain.

Such notice shall contain the description of the immoveables to be sold, the names of the owners thereof as mentioned in the valuation roll, the total sum of taxes affecting such lands for municipal and school purposes, and the day, hour and place of such sale.

Proceedings  
at sales.

**27.** After making known the amount to be raised on each of said lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt, any person offering then and there to pay the amount of moneys to be raised for the smallest portion of such lands, becomes the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer.

Purchase price  
to be paid at  
once.

**28.** The purchaser of any land or portion of lands must pay the amount of his purchase money immediately upon the adjudication thereof, in default of which the secretary-treasurer, or some other person acting for him, shall immediately put the property up again for sale, or adjourn the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice.

Proceedings  
in default  
thereof.

**29.** If at the time of the sale no bid is made, the sale also shall be adjourned to the next day or to another day within eight days. Adjournment of sale if no bid.

**30.** On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall certify under his hand the particulars of the sale in a certificate in duplicate, of which one is given to the purchaser, and cause the other duplicate to be immediately registered in the registry office. Certificate to be given by secretary-treasurer.

**31.** The purchaser is thereupon seized and possessed of the land adjudged and may enter into possession thereof, subject to the same being redeemed within two year next following ; but during the first year next after the sale, the purchaser cannot carry off any timber, buildings or constructions on such land or deteriorate it in any manner. Rights of purchaser. Proviso.

**32.** The corporation of the town may bid at the sale of such immoveable property thus put up for sale, and may become the purchaser thereof, through any person authorized by the town council, without being held to pay forthwith the amount of the said purchase money. Corporation may bid.

**33.** The owner or his representative or any person on his behalf may, within twelve months of the day of sale and adjudication of any land sold under the foregoing provisions, redeem the same by paying to the secretary-treasurer of the town the amount of the claims of the town for which the said property was sold, with all costs of sale and the subsequent costs if any, incurred in connection with the carrying out of the foregoing provisions, together with all taxes, whether municipal or school, which may become due and payable on the said property since the date of the sale thereof, with interest at the rate of fifteen per centum per annum. Redemption of lands sold.

**34.** The purchaser shall be reimbursed for the costs of all necessary repairs and insurance money paid to protect the said property from loss or damage by fire, as well as the amount of the taxes and the costs of the municipal work performed for such land, together with interest on the whole at fifteen per centum per annum; every fraction of a year being reckoned as a year on all such moneys whether taxes, costs, repairs or insurance, as regards the first year. Purchaser to be reimbursed certain moneys.

Such claims shall be privileged upon the property, and the purchaser may retain the land redeemed until fully paid. Privilege of purchaser for claim.

Sale to purchaser if land not redeemed.

**35.** If the redemption is not effected within the period of twelve months, as herein provided, the purchaser remains the irrevocable proprietor thereof, and the secretary-treasurer shall execute, in the name of the corporation, a deed of sale and conveyance of the said land so sold to such purchaser, under his signature and the seal of the corporation, and shall deliver a duplicate thereof, upon his paying the costs of the deed and the registration thereof, and the said secretary-treasurer shall immediately cause the same to be registered in the proper registry office.

Effect of sale. The sale shall have the same effect as a sheriff's sale.

If property seized by sheriff proceedings by secretary-treasurer.

**36.** If before the sale of any immoveable property by the secretary-treasurer, the same property be seized by the sheriff, the secretary-treasurer, upon being notified in writing by the plaintiff in the suit or his attorney of such seizure, shall complete his advertisement, but shall not proceed to sell the same, but shall without delay transmit to the sheriff a statement of the sums due for taxes and costs of advertizing on account of such land, which sums are paid out of the proceeds arising from the sale made by the sheriff.

Sale by secretary-treasurer if sheriff's sale delayed by opposition.

**37.** If the sheriff's sale is delayed by opposition or otherwise, the corporation of the town may then, after two weeks' notice given as provided above, proceed upon the day to be fixed by such notice to the sale of the said property.

R. S. Q. art. 4557 and 4558 not to apply to town.

**38.** Articles 4557 and 4558 of the said Revised Statutes shall not apply to the town of Magog.

#### BY-LAWS.

Power to pass by-laws to :

**39.** The municipal council of the said town shall have power to pass by-laws :

Restrain, etc., sale of spirituous liquors, etc ;

To restrain, regulate or prohibit the sale of any spirituous, vinous, alcoholic or intoxicating liquors by retail or wholesale within the limits of the town, and to fix a sum not exceeding one hundred dollars payable for the granting of each certificate to obtain a license authorizing the sale of the same in the town, notwithstanding the provisions of article 4414 of the said Revised Statutes ;

Restrain, etc., slaughter-houses ;

**40.** To restrain, regulate or prohibit any person from maintaining, using or keeping any slaughter-house in the town ;

Abate nuisances ;

**41.** To abate any public nuisance therein, endangering the lives, health or safety of the public ;

**42.** To cause the arrest and punishment of all persons Cause arrest of persons disturbing public peace.  
in said town disturbing the public peace, loitering in the streets, using profane, obscene or insulting language therein, or to any person or persons therein, incommoding peaceable passengers, and all drunken persons breaking any by-law of the town respecting the public order, peace or health thereof, to deliver such person to the keeper of the lock-up or other place of detention in the town until he shall be brought before the mayor or some other justice of the peace to be dealt with according to law.

**43.** The council of the town shall also have the right Council by by-law may :  
to make, amend, repeal, or replace by-laws for the following purposes :

1. To forbid trotting or running on bridges or in the public streets faster than a given rate ; Forbid trotting, etc. :
2. To prohibit pipes on roofs and to determine in certain cases of what materials roofs shall be made ; Prohibit pipes, etc., on roofs ;
3. To regulate wood and coal yards, and to provide for the measurement of wood and coal and lumber ; Regulate wood and coal yards ;
4. To suppress games of skill, hazard or exercise or to allow them under license, and to restrain, regulate or prohibit the keeping of public billiard-saloons, pigeon-hole tables and such like therein ; Suppress games of skill, etc. ;
5. To regulate the construction of privies, cellars, drains, ovens and steam engines of any factory or workshop ; Regulate privies, etc. ;
6. To prevent filth of any kind being deposited in the Magog River, to prevent the obstruction of the streets or side-walks and to cause the removal of the same when done. Prevent filth being thrown in river and obstruction of streets.

GENERAL ACT MODIFIED.

**44.** Article 4207 of the Revised Statutes of the Province of Quebec is amended, as regards the town of Magog, by adding thereto the words : " which shall also be countersigned by the secretary-treasurer." R. S. Q. art. 4207 amended for town.

**45.** Article 4227 of the said Revised Statutes is amended by adding after paragraph 2 thereof the words : " or have paid the poll tax due by them." R. S. Q. art. 4227 amended for town.

**46.** Article 4328 of the said Revised Statutes is also amended by adding thereto the words : " or an hypothec of not less than two thousand dollars given on his real estate and approved by resolution of the council, who may administer oaths." R. S. Q. art. 4328 amended for town.

Any oath required to be taken under the provisions of this or of the general act may be administered by the secretary-treasurer." Who may administer oath.

**47.** In so far as relates to the town of Magog, the words "Circuit Court" shall be substituted for "Superior Circuit Court substituted for Superior

Court for  
town in R. S.  
Q. title XI  
chap. I.

Court ", in chapter first of title XI (articles 4178 and following) of the said Revised Statutes.

## PART II.

### PROVISIONS CONCERNING EDUCATIONAL MATTERS IN THE TOWN OF MAGOG.

#### BOARDS OF COMMISSIONERS.

Two boards of  
school com-  
missioners.

To be corpo-  
rations.

Name and  
composition  
of boards.

Qualification  
of members  
except of mi-  
nisters, etc.

How to be  
elected.

First election  
of commis-  
sioners how  
and when to  
be held, etc.

Existing  
boards.

Laws applica-  
ble to boards.

Division of  
government  
annual grant.

**48.** Hereafter there shall be in the town of Magog two boards of school commissioners; each of such boards shall be composed of five commissioners and shall be, under its own name, a body politic and corporate, with all the powers and privileges of corporations.

**49.** One of such boards shall be "The Roman Catholic Board of School Commissioners of the town of Magog" and the members thereof shall be Roman Catholics; the other shall be "The Protestant Board of School Commissioners of the town of Magog" and the members thereof shall be Protestants.

**50.** Ministers of worship of all religious denominations, residing in the town although not qualified as to property may be elected school commissioners; but all other persons must possess a real property qualification of four hundred dollars.

**51.** The members of the Roman Catholic board shall be elected by the Roman Catholic municipal electors of the town of Magog, and those of the Protestant board by the Protestant municipal electors of the town of Magog.

**52.** The first election of commissioners under this act shall be held on the first Monday of July next, and if the election has not been held on the first Monday of July it shall be held on the following Monday or any Monday in the month of July, and that and subsequent elections shall be held, like those of other commissioners, under the laws respecting education.

The existing boards of commissioners and trustees shall remain in office until their successors are elected.

**53.** All provisions of law, respecting school commissioners and schools in general, shall apply also to each of such boards and to the members thereof, save in so far as the same may be inconsistent with this act.

**54.** The annual grant of the Government of this Province, for the support of schools in the town of Magog,

shall be divided between the two boards of school commissioners, in proportion to the Roman Catholic and Protestant population of the town, according to the last census.

#### TAXATION.

**55.** The two boards of schools commissioners may, from time to time, meet together and agree with respect to the establishing or altering the amount of the tax to be levied on the taxable real estate of the town for such purposes ; provided that such tax be not in any case less than three mills or more than seven mills in the dollar.

Agreement may be come to by boards as to taxes for schools.

**56.** The boards of commissioners shall be bound to inform the secretary-treasurer of the town of Magog, on or before the first day of August, in each year, of the amount of the tax required for school purposes for the current year.

Boards to notify secretary-treasurer of amount fixed for school taxes.

In the absence of such notice, the two boards of commissioners shall be deemed to have been unable to agree as to the amount.

Effect of absence of notice.

In such case, each board shall fix its own rate of assessment for its own use for the year beginning the first day of July previous.

Each board in that case to fix its own rate.

**57.** The town council at the first session thereof, after the first day of August, in each year, or at a subsequent session, if the first was adjourned, shall, by resolution, declare the tax to be levied for the current year.

Town council to declare tax to be levied for year.

**58.** It shall be the duty of the council of the town of Magog to cause to be levied by its secretary-treasurer, upon the taxable real estate of the municipality, the tax which shall have been determined by the two boards of commissioners.

Council to cause tax to be levied as determined by boards.

**59.** Such tax shall be known as the " school tax ; " It may be levied and recovered at the same time as the other taxes of the town, and shall, further, for the purpose of the collection thereof, be deemed to be a municipal tax of the town ; provided always that the corporations and companies, which may have been or which shall be exempted from municipal taxes by by-law of the town council, shall nevertheless be liable for the school tax.

Tax to be known as "school tax"; How to be levied, etc.

**60.** Real estate belonging to religious, charitable, or educational institutions or corporations, and occupied by them for the objects for which they were established and not only possessed for the purpose of deriving a revenue therefrom, shall be exempt from the school tax.

Exemptions from school tax.

School tax by whom payable.

**61.** The school tax shall be payable by proprietors of real estate to the exclusion of tenants.

The usufructuary, or occupant, under an emphyteutic lease, shall be deemed to be the proprietor, as shall also the occupant, and be jointly and severally liable for the payment of the said tax with the proprietor.

#### ASSESSMENT AND COLLECTION ROLL.

Notice to be given within certain time after valuation roll homologated. Duty of secretaries thereupon.

**62.** Within ten days after the valuation roll of the town of Magog shall have been homologated by the council of the town, in each year, the secretary-treasurer of the town shall give notice thereof to the secretary-treasurer of each board of school commissioners; and within ten days of the receipt of such notice, the secretary-treasurers of such boards, acting together, shall draw up an assessment and collection roll of the real estate in the town.

Contents of roll.

**63.** Such roll shall show, opposite the description of each lot or property, the amount of the valuation thereof, the name of the owner and the sum to be levied on such lot or property for the school tax for the year.

The amount of the valuation and the name of the owner shall be the same as stated on the valuation roll in force in the town for municipal purposes.

Division of roll into panels;

No. 1 ;

No. 2 ;

No. 3 ;

**64.** The said roll shall be divided into four distinct panels.

Panel number one shall comprise the taxable real estate belonging exclusively to Roman Catholics ;

Panel number two shall comprise the taxable real estate belonging exclusively to Protestants ;

Panel number three shall comprise the taxable real estate belonging :

1. To corporations or incorporated companies subject to taxation under this act ;

2. To persons professing neither the Roman Catholic nor Protestant religion, to Jews, or to those whose religion is unknown, or again when the father and mother are of a different religious belief ;

3. Lastly, property belonging, partially or jointly, to persons or partnerships, some of whom profess the Roman Catholic and others the Protestant faith ;

No. 4 ;

Panel number four shall comprise all real estate exempt from taxation, to wit :

a. All lands and properties, belonging to Her Majesty, her heirs and successors, occupied by any public body or department, or by any person in charge thereof for the service of Her Majesty, her heirs and successors.

b. All provincial property and buildings.

c. All places used for public worship, parsonage-houses and the dependencies thereof, and all cemeteries ;

d. All public schoolhouses and the grounds on which they are built, provided the area thereof does not exceed two arpents.

e. All educational establishments or institutions, as well as the ground on which they are built, provided the area of the same does not exceed four arpents.

f. All buildings, grounds or property occupied or possessed by hospitals or other charitable institutions, provided the area thereof does not exceed five arpents.

**65.** Property possessed for revenue purposes by religious, charitable or educational institutions or corporations, shall be entered on panel number one or panel number two, according to the religious denomination to which such institutions or corporations belong, or according to the declarations made by them to that end.

Certain property possessed by religious, &c. institutions to be entered on certain panels.

If the religious denomination be not known and if no declaration is made, such property shall be entered on panel number three.

**66.** Upon such roll being completed, it shall be deposited in the office of the secretary-treasurer of the town, and notice of such deposit shall be forthwith given in at least one newspaper published in the town or in the district ; the said notice shall also be posted up, both in the French and English languages, in such places as ordinary municipal notices are posted up in the said town.

Deposit of roll after completion and notice thereof.

**67.** During the thirty days next after the publication of such notice, it shall be lawful for any person to examine the panels included in the said roll.

Examination by parties interested.

**68.** During such delay of thirty days, either board of school commissioners, or any person whose name shall have been erroneously entered on any such panels, or omitted therefrom, or who shall observe that the name of any other person is entered by error on any of such panels or omitted therefrom, may make any complaint which he shall deem himself entitled to make on this subject, to the town council, who shall amend and correct the roll in consequence, if it appear to be necessary.

Complaints against roll to council.

Powers of council thereon.

Within fifteen days following the final homologation, the decision of the town council may be appealed from to the magistrate court of the district or the Circuit Court.

Appeal to Circuit Court.

**69.** At the expiration of the delay of fifteen days, the said roll shall avail for all school purposes in the town for the then current year.

Roll to avail after certain delay.

## OTHER PROVISIONS CONCERNING TAXES.

Accounts for school taxes, contain entries.

**70.** All accounts delivered to taxpayers, and all receipts given them, for the school tax, shall contain clearly and distinctly the words "panel number one, Roman-Catholic school tax" or "panel number two, Protestant school tax" or "Panel number three, neutral school tax," as the case may be.

Taxes from panel number one to belong to Roman Catholic Board, from No. 2 to Protestant Board; From No. 3 to be divided in proportion to population between them.

**71.** The taxes derived from the property comprised in panel number one shall belong to the Roman Catholic Board of School Commissioners, and the taxes derived from panel number two shall belong to the Protestant Board of School Commissioners.

**2.** The taxes derived from panel number three shall be divided between the Roman Catholic Board of School Commissioners and the Protestant Board of School Commissioners in proportion to the Roman Catholic and the Protestant population of the town according to the last census, and the rate of assessment upon the property in panel number three is hereby fixed at five mills on the dollar unless the two boards of school commissioners agree upon a different rate.

Payments to boards by corporation.

**72.** Such sum shall be paid by the corporation of the town of Magog to the secretary-treasurer of each board of commissioners, in four equal payments, which shall fall due quarterly, on the first days of July, October, January and April, in each year, respectively.

Payments exigible from corporation, even if tax not levied.

**73.** Each of such payments shall be exigible from the corporation when the same falls due, although the school tax to raise the amount thereof has not been collected, and may be recovered with interest and costs before any competent court, by the board of school commissioners entitled thereto.

## MONTHLY SCHOOL FEE.

Power of board to require payment of monthly fees from certain parents, etc.

**74.** It shall be lawful for either board of commissioners to exact from the parents, tutors, or guardians of children of school age, residing within the municipality, except from those exempted by the commissioners through poverty, or by reason of their being in attendance at some school aided by the Government of the Province not under the jurisdiction of the board to which they may belong, the payment of a monthly fee or rate, not to exceed ten monthly assessments in any one year, the amount whereof shall have been ascertained by each board of school commissioners and fixed and established from time to time by by-law.

**75.** The report of the commissioners shall specify the number of children receiving gratuitous instruction and the number of those who pay such monthly fee or rate. What report of commissioners to specify.

**76.** The monthly school fee may be recovered from parents, tutors or guardians by the secretary-treasurers of the respective boards to which such scholars belong, and in case of default, by suit before any competent court. Recovery of monthly fee by suit if not paid.

Nevertheless no suit shall be brought for more than two years' arrears or for any sum due for more than two years. What arrears may be claimed by suit.

#### TEACHERS.

**77.** The teachers serving under either of the boards of school commissioners shall be deemed to be engaged for one year, and no notice shall be required either from the said teachers or the said boards, in order to terminate such engagement; nevertheless any teacher, may be discharged, at any time, for incompetency or misconduct. Engagement of teachers. Their dismissal.

#### POWERS OF THE BOARDS OF SCHOOL COMMISSIONERS—ISSUE OF DEBENTURES.

**78.** Either board of commissioners may take from the funds at its disposal such sum as it shall deem advisable, and expend it in prizes, for the various schools under its control. Prizes.

**79.** The respective boards of school commissioners of the said town of Magog shall have power to lay aside annually a portion of their revenues, not exceeding one fourth thereof, for the purchase of lots, and for the construction of school-houses, without any limitation as to the amount to be expended on each school-house, any law to the contrary notwithstanding. Purchase of lots and building of schools.

It shall be lawful for either of the said boards, with the approval of the Lieutenant-Governor in council, to raise loans for the said purposes, and to transfer as security for such loans a part of their annual claims on the corporation of the town for the following years subject to the above limitations; and either of the said boards, with the approval aforesaid, may, for the said purpose, raise money in advance, by issuing debentures of not less than one hundred dollars each, redeemable in not more than twenty-five years, and for such amount as the superintendent of education shall approve. Loans may be raised for said purposes, etc.

In such case, the portion of their revenue set aside annually, as aforesaid, or so much thereof as they may determine, shall be applied to the forming of a sinking fund for the redemption of the said debentures; but the Lieutenant-Governor shall not grant such approval, unless Sinking fund.

Notice re-  
quired before  
approval  
given.

it be established to his satisfaction that the interested parties have been notified at least thirty days beforehand, by public notice given in the usual manner and published in, at least, one newspaper in the town of Magog or of the district.

What may be  
declared in  
debentures.

**80.** It shall be lawful for the said boards to declare in the said debentures that the same are secured by hypothec on all the real estate then their property; and in the case when such declaration shall have been made, the said debentures shall be secured, both as respects principal and interest, on all their said real estate, without the formality of registration, articles 2084 and 2130 of the Civil Code to the contrary notwithstanding.

Stipulation as  
to payment to  
holders of  
sum for sink-  
ing fund.

**81.** Any of such debentures may contain a stipulation to the effect that the sum, annually carried to the sinking fund, be paid to the holder thereof, instead of being invested by the commissioners.

Payment of  
debentures in  
such case.

In any such case, such debenture is not redeemable at the expiration thereof, but shall be deemed to be paid and discharged in full by the payment of the interest and sinking fund, specified in such debenture.

#### MISCELLANEOUS PROVISIONS.

Seat of com-  
missioner  
may be de-  
clared vacant  
in certain  
event.

**82.** If any commissioner shall absent himself from four successive meetings of the board to which he has been elected, after having been regularly notified of such meetings, the said board shall have power, at any meeting especially called for such purpose, to declare the seat of such commissioner vacant, and thereupon immediately, at the same special meeting, or at any subsequent meeting, the said board may nominate and elect any other qualified rate-payer of the said town in his place and stead, to serve for the remainder of the term for which such commissioner had been elected.

Extraordina-  
ry tax may be  
levied for cer-  
tain purposes.

**83.** Whenever it may become necessary to raise more money in any year than the ordinary revenue of the respective boards amounts to, for the purpose of meeting pressing demands upon such boards, an extraordinary tax may be levied for one year upon panel number one, or panel number two, as the revenue may be required for the Roman Catholic or Protestant board, and also upon panel number three, such amount as the board levying the assessment would be entitled to receive, had the tax been levied by the joint action of both boards.

How to be  
levied.

Such extraordinary tax shall be levied by the corporation of the town, in the same manner in which the ordinary tax is levied, upon petition to the council made by

the board of commissioners seeking the additional revenue.

But such additional taxation shall only be levied with the approval and sanction of the Lieutenant-Governor in council, and shall affect the property of the panel whose board have asked for it and the proportion of the property in panel number 3 to which they are entitled under article 71.

Approval of  
Lieutenant-  
Governor  
What property  
additional  
taxation to  
affect.

84. It shall be lawful for either of the boards of commissioners to establish, either separately or in connection with the common schools of the town under the control of the board taking such action, a superior school, graded school, model school or convent for girls, or to amalgamate with any such school or any college already established or that may hereafter be established within the limits of the town of Magog.

Establish-  
ment of supe-  
rior schools,  
etc.

85. Whenever, hereafter, the limits of the town of Magog are extended by the annexation thereto of any outlying territory, the territory, so annexed, shall thereupon become part of the school municipality of the town of Magog, and be governed by the provisions of this act, and the school property found existing in such annexed territory shall become the property of the board or boards to which the contributors to the said building or school property belonged previous to such annexation.

Provision as  
to territory  
annexed to  
town.

86. The school property, now belonging to the school commissioners of the township of Magog, situate in the village of the same name, shall become the property of the Protestant board, and that belonging to the trustees of dissentient schools shall become the property of the Roman Catholic board, and the liabilities of the school commissioners shall be assumed and paid by the Protestant board, and the liabilities of the trustees shall be assumed and paid by the Roman Catholic board.

Certain pro-  
perty vested  
in boards, etc.

87. The secretary-treasurers of the two boards, acting together during the months of August and September in each year, shall take a census of the population of the town of Magog, and also a census of the children residing therein, of not less than five nor more than sixteen years of age, which census shall be signed by the said officers in duplicate, and a certified copy thereof shall be deposited in the office of the secretary-treasurer of the town of Magog and another with the superintendent of education.

Joint census  
of population  
for school  
purposes.

88. The two boards may severally fix the salary of their respective secretary-treasurers.

Salaries of  
secretary-  
treasurers  
have fixed.

Coming into  
force.

**89.** This act shall come into force on the day of its sanction.

## CAP. LXXX.

An Act to incorporate the "French Veterinary School of Montreal."

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS Messrs. Victor Théodule Daubigny, veterinary surgeon; Emmanuel Persillier Lachapelle, doctor of medicine; Norbert Fafard, doctor of medicine; Hugues E. Desrosiers, doctor of medicine; Avila R. Marsolais, doctor of medicine; Victor François Daubigny, veterinary surgeon, all citizens of Montreal and members of the "French Veterinary School of Montreal," have, by petition, prayed that such school be incorporated;

Whereas the said school has been attended every year since its foundation by about thirty students and this year by over thirty-six regularly matriculated, who assiduously follow the lectures;

Whereas the Council of Agriculture has acknowledged the usefulness of this school, the most flourishing in this Province, and has given it its approval and patronage;

Whereas, in order the better to assure the future of this institution, it is expedient to endow it with the rights and privileges of a corporation;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## TITLE I.

### CONSTITUTION OF THE CORPORATION.—ITS OBJECT.

Certain  
persons in-  
corporated.

**1.** The said Victor Théodule Daubigny, Emmanuel Persillier Lachapelle, Norbert Fafard, Hugues E. Desrosiers, Avila R. Marsolais, Victor François Daubigny, and such other persons as shall join them, and their successors, are constituted a corporation, under the name of the "French Veterinary School of Montreal."

Name.

Head office.

**2.** The seat of the corporation shall be at Montreal, at the office of the management of the school.

Object of  
school.

**3.** The object of the "French Veterinary School of Montreal" is the theoretical and practical teaching of veterinary science and also the teaching of agronomy and agriculture.

## TITLE II.

### ORGANIZATION OF THE CORPORATION.

**4.** Mr. Victor Théodule Daubigny bears the title of Founder.  
founder of the said school.

**5.** The number of the members of the corporation can- Number of  
not exceed twelve. members of  
The majority of the members constitutes a quorum. corporation.  
Quorum.

**6.** The members are appointed by the majority of the Appointment  
members present at a meeting specially convened for that of members.  
purpose.

Vacancies, occurring through resignation, expulsion or Filling of  
death, are filled in the same manner. vacancies.

**7.** The expulsion of a member can take place only on Expulsion of  
the vote of two-thirds of the members present at a meet- members.  
ing specially convened for the purpose.

**8.** Messrs. Victor Théodule Daubigny and Avila Mar- Provisional  
solais are constituted a provisional board of directors, board.  
and shall perform the duties of president, director,  
secretary and treasurer of the corporation until the elec-  
tion of the board, in accordance with the provisions of  
this act.

**9.** The board of management shall consist of four Board of  
members: a president, a director, a secretary and a treas- management.  
urer; three of whom shall constitute a quorum. Quorum.

These different offices may be confided to one member, One officer  
who shall be vested with all the powers of the board. may be vested  
and power of  
board.

**10.** The members of the provisional board are bound, First meeting  
within six months from the sanction of this act, to call a of members  
general meeting of the members of the corporation for for election of  
the election of a board of management, composed as board when to  
set forth in the preceding article. be called.

Such meeting is called by a notice setting forth the Notice  
place and date of the election, sent at least fifteen days therefor.  
before the meeting to the members of the corporation by  
registered letters, mailed to the address of each of them.

**11.** The other meetings of the members, either for sub- Other  
sequent elections or for any other purpose, are called and meetings how  
held in the manner prescribed by the by-laws which the called and  
board of management may adopt on the subject. held.

## TITLE III.

## POWERS AND PRIVILEGES OF THE CORPORATION.

## SECTION I.

## GENERAL POWERS.

- 12.** The corporation may :
- General powers : 1. Sue and be sued before the courts of justice ;
  - To sue, etc. ; 2. Contract and bind itself within the limits of its powers ;
  - To contract ; 3. Acquire, accept and receive, by any title whatsoever, gratuitous or onerous, *inter vivos* or by will, for the requirements of the corporation, without authorization, even judicial, all moveable and immovable property whatsoever ; provided the annual revenue of the latter does not exceed five thousand dollars and lease, hypothecate, sell
  - To acquire, etc., property ; 3. Acquire, accept and receive, by any title whatsoever, gratuitous or onerous, *inter vivos* or by will, for the requirements of the corporation, without authorization, even judicial, all moveable and immovable property whatsoever ; provided the annual revenue of the latter does not exceed five thousand dollars and lease, hypothecate, sell
  - Limit of real estate. 4. In a word, exercise all the powers necessary for attaining the object assigned to it by this act and for the development and progress of education.
  - To lease, etc., property ;
  - To exercise necessary powers.

## SECTION II.

## POWER TO PASS BY-LAWS.

- 13.** The majority of the members present at a special meeting may pass by-laws respecting :
- Power to pass by-laws for certain purposes. 1. The government and interests of the corporation ;
  - 2. The administration of its property and affairs and its internal economy ;
  - 3. The admission and exclusion of members ;
  - 4. Generally all objects within the limits of its powers ;
- It may, by its by-laws, impose fines not exceeding five dollars for each contravention.
- The said majority has also the power to take all necessary steps for the alienation of immoveables.

## SECTION III.

## MISCELLANEOUS POWERS AND PRIVILEGES.

- 14.** The corporation is authorized to grant diplomas in connection with the objects within its competence.
- Such diplomas may be countersigned by the Honorable Commissioner of Agriculture, so long as the school shall be subsidized by the Government of the Province.
- 15.** The corporation has the power to affiliate itself with any university in this Province and enter into all covenants and agreements to that effect.
- In such case, the granting of the diplomas and the appointment of professors may be made by such university, but with the assent of the director of the school.
- Power to grant diplomas. May be countersigned by Commissioner of Agriculture.
  - May affiliate with any Provincial University.
  - Diplomas in such case how granted.

## TITLE IV.

## COMING INTO FORCE.

**16.** This act shall come into force on the day of its Coming into force.  
sanction.

## CAP. LXXXI.

## An Act to incorporate the Montreal School of Cookery.

[Assented to 2nd April, 1890.]

**W**HEREAS there exists at the city of Montreal an Preamble.  
association known as the Montreal School of  
Cookery ; and whereas Samuel Carsley, merchant, the  
honorable John J. C. Abbott, senator, and Francis Wolfers-  
tan Thomas, banker, of the said city, together with other  
persons, all members of the said association, have, by their  
petition, prayed for the passing of an act incorporating  
such association for carrying on a school and institution  
for the encouragement and practising of cooking, and the  
preparation and dealing in foods, and instruction in  
cookery and domestic economy in their various branches,  
with power to hold such moveable and immoveable prop-  
erty as may be requisite for the purpose of such institu-  
tion ; and whereas it is expedient to grant the prayer of  
the said petition ; Therefore, Her Majesty, by and with the  
advice and consent of the Legislature of Quebec, enacts  
as follows :

**1.** Samuel Carsley, the Hon. John J. C. Abbott, Francis Certain  
Wolfertan Thomas, Andrew Allan, Mrs. R. B. Angus, persons  
Mrs. Ada S. David, Miss Elmiro deRocheblave, Mrs. Mary incorporated.  
Dow, Mrs. George A. Drummond, Mrs. Walter R. Elmen-  
horst, Miss Frances J. Evans, Mrs. E. K. Greene, Mrs.  
Eliza Greenshields, Mrs. Mary Greenshields, Robert R.  
Grindley, Mrs. George Hague, Lady Hickson, Miss Alice  
M. Hamilton, Miss Charlotte Learmont, Miss Agnes Lear-  
mont, Mrs. Ida MacCarthy, Mrs. Martha Mackenzie. Wil-  
liam C. McDonald, J. W. Marling, Mrs. Harriet F. Miller,  
Mrs. Louisa Frothigham-Molson, Mrs. Alexander Morris,  
Mrs. Edward Murphy, Miss Elizabeth Orkney, Mrs. Emily  
T. Ramsay, Mrs. Alma Reeves, Mrs. John J. Redpath,  
Mrs. Robert Reford, Mrs. Bertha Sutherland, Mrs. Fanny  
Stephen, Mrs. Margaret B. Stearns, Madame L. L. Thi-  
baudeau, Mrs. Harriet A. Thomas, Miss A. H. Workman,  
and any others who are now or may hereafter become  
members of the association, shall be and are hereby de-  
clared to be a body politic and corporate, under the name

Name and succession, etc.	of the "Montreal School of Cookery," with perpetual succession and the right to have and use a common seal.
Power to establish schools of cookery.	<b>2.</b> The said corporation may carry on one or more institutions or educational establishments for the encouragement and practising of cooking, and the preparation and dealing in foods, and instruction and aiding in cookery and domestic economy in their various branches.
Power to hold and property.	The corporation shall have the right to acquire, hold and enjoy such property, moveable and immoveable, as may be requisite for the purposes of the association, and the same, in whole or part, to pledge, hypothecate, sell, exchange, lease, alienate, or otherwise dispose of, as the corporation may deem fit; provided, that the annual value of any real estate held by the corporation shall not exceed a total sum of three thousand dollars.
Proviso as to amount of real estate.	
Certain property vested in corporation.	<b>3.</b> All property and effects, now owned by or held in trust for the said association, are hereby vested in the corporation for the purposes thereof.
Power to make by-laws for certain purposes.	<b>4.</b> The corporation may make by-laws or other rules and regulations for its government and executive, and for the admission of members, pupils and others, and their conduct and expulsion, the fixing of the dues and other contributions to be paid by members and others, and for the appointing of, the powers and remuneration of any committees, officers and servants as may be deemed requisite for the due administration of its affairs, and generally, for the management of the corporation and its affairs and the carrying on of the work and objects of the same.
By-laws of association continued.	<b>5.</b> The by-laws or other regulations of the said association, not being contrary to law, shall be the by-laws and regulations of the corporation hereby constituted, until they shall be hereafter repealed or altered as aforesaid.
Power to collect, etc., subscriptions.	<b>6.</b> The corporation shall have power to collect and enforce by suit at law or other legal process the payment of all subscriptions or contributions which may be imposed by by-laws or other regulations; but any member may withdraw from the corporation on payment of any subscription or contribution then due by him.
Withdrawal of members.	
Members not personally liable for debts of corporation.	<b>7.</b> No member of the corporation shall be liable for any of the debts thereof beyond the amount of any subscription or contribution, annual or other, which may be due by such member in virtue of the by-laws or other regulations.
Certain	<b>8.</b> For the purpose of encouraging the giving of special donations to the institution, the corporation may give to

the donors such privileges, not contrary to law, as to the nomination of pupils or otherwise in connection with the institution, as may be deemed best in its interests. granted to those making donations to institution.

9. It shall be lawful for the corporation to issue stock to an extent not exceeding twenty thousand dollars, in shares of such denominations and payable in such manner as may be deemed suitable; of which shares some may be made to carry such privileges over the others as may be determined on by the corporation. Power to issue stock. Privileged stock.

10. The said shares and any dividends thereon shall be a privileged charge on the immoveable property of the corporation, ranking after any hypothec that may now or hereafter be placed upon the said immoveable property. Stock to be a charge on property. Rank thereof.

11. This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXXII.

An Act to incorporate the Belgian Benevolent and Immigrant Protection Society.

[Assented to 2nd April, 1890.]

WHEREAS Jesse Joseph, consul for Belgium, at Montreal, Andrew C. Joseph, consul for Belgium, at Quebec, Gérard Macquet, *ingénieur au corps belge des ponts et chaussées*, Ludovic de la Vallée Poussin, consular agent of Belgium, at Three Rivers, residing at Montreal, Quebec and Three Rivers, respectively, have, by their petition, set forth that, for the purpose of assisting needy persons of Belgian origin and nationality, and of protecting Belgian immigrants, and assisting them on the occasion of their first settlement in the Province of Quebec, they are desirous of forming an association under the name of the "Belgian Benevolent and Immigrant Protection Society," and, in order to enjoy all the advantages of such association, they require to be incorporated; whereas they have prayed for the passing of an act to that effect, and it is expedient to grant their prayer; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said Jesse Joseph, Andrew C. Joseph, Gérard Macquet, Ludovic de la Vallée Poussin, together with such other persons as may become associated with them Persons incorporated.

## Rights.

under the provisions of this act, are constituted a corporation and vested with all the rights, powers and privileges inherent to corporations.

## Objects of the society.

**2.** The society cannot occupy itself with objects foreign to its mission of benevolence and protection of immigrants.

Nevertheless it may, whenever it may deem expedient, take the initiative in all measures of benevolence having a national character, or associate itself therewith, without, however, impairing its capital.

It may likewise, also without impairing its capital, participate in any undertaking of a purely philanthropic nature, destined to assist Belgian immigrants on the occasion of their first settlement in the Province of Quebec.

## Power to sue, etc.

**3.** The corporation may sue and appear and be sued before any court of justice in the Province, plead and defend itself under its corporate name, like any other person and corporation.

## Seal.

**4.** The society may have a seal which it may alter at pleasure, and change and renew whenever it thinks proper.

## Power to pass by-laws for certain purposes, &amp;c.

**5.** The corporation has full power and authority to pass the by-laws, rules and regulations, not inconsistent with this act or the laws of this Province, which it may deem useful and necessary for its interests, for the administration and improvement of its property and affairs, for acquiring or alienating its property, for the management of the society and its internal government, for the admission, expulsion and powers of its members, officers or directors, as well as for their removal, and for all other purposes not inconsistent with the laws of the Province.

The society has also power to modify, amend, suspend, repeal or replace all such by-laws, rules and regulations.

## Power to hold, etc., property.

**6.** The corporation may hold, acquire and receive by purchase, gift, will, legacy, transfer, exchange and under every other legal title whatsoever, for the purposes of the corporation, moveable and immoveable property, hereditaments, constituted rents, public securities, life rents and generally all moveable and immoveable property whatsoever, either as owners or in trust; provided that the annual revenue from the immoveables owned by the corporation shall not exceed the sum of ten thousand dollars.

## Proviso as to amount of revenue from real estate.

## Power to sell, etc., property.

The corporation may also sell, hypothecate, alienate, make over, transfer, lease or exchange any of the said moveable or immoveable property, or otherwise dispose of the same, under any title whatsoever, and borrow all

sums of money whatsoever for the purposes of the said corporation.

7. This act shall come into force on the day of its sanction. Coming into force.

# CAP. LXXXIII.

An Act to amend "The act incorporating the Trustees of the American Presbyterian Society of Montreal."

[Assented to 2nd April, 1890.]

**W**HEREAS, "The Trustees of the American Presby- Preamble.  
terian Society of Montreal", a body politic and cor-  
porate, incorporated under a statute of the Province of  
Canada, passed in the session held in the 27th and 28th  
years of Her Majesty's reign, have by their petition prayed  
for certain amendments to the said act of incorporation,  
and it is expedient to grant such prayer; Therefore, Her  
Majesty, by and with the advice and consent of the Legis-  
lature of Quebec, enacts as follows :

1. Section 14 of the said act of incorporation (27-28 27-28 Vict., c.  
Victoria, chapter 163) is hereby repealed and replaced by 163, s. 14,  
the following : replaced.

"1. An annual general meeting of the said congrega- Annual  
tion shall be held on such date in each year, as the said general  
corporation may by by-law appoint, in the building used by meeting of  
the said congregation as a place of worship, notice of the congrega-  
which meeting shall be given from the pulpit of said tion.  
church during service on Sunday, at least four days before Notice.  
the day appointed for such general meeting; and besides General power  
the power of election hereinafter specified, the said congre- of congrega-  
gation may, at such annual meeting, exercise all the tion.  
powers conferred upon it by this act, and shall be compe-  
tent for the transaction of business generally."

2. This act shall come into force on the day of its sanc- Coming into  
tion. force.

## CAP. LXXXIV.

An Act to incorporate the religious congregation called  
" Benai Jacob."

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS the persons hereinafter mentioned have by their petition, represented that they are desirous of being incorporated, together with such other persons as they may associate with them, as a religious congregation of persons belonging to the Jewish faith under the name of "*Benai Jacob*," such incorporation to be for religious purposes and also for the proper government of such congregation, and whereas it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

**1.** Louis Aronson, Hiram Rutenberg, Louis Lazarus, Joseph Bernstein, Lee Harris Lubelsky, Nathan Forciner, Newman Goldstein, Hiram Moore, Louis Shapiro, and Aaron Harris Halperin, all of the city and district of Montreal, traders, and such other persons as may hereafter become members of such congregation, are hereby constituted a corporation, under the name of "*Benai Jacob*."

Name.

General powers.

**2.** The corporation shall have perpetual succession and a common seal, and power, as occasion may require, and for the purposes it has in view, to accept, acquire, receive, and hold under any title whatsoever, moveable or immoveable property for its exclusive use and benefit, and to hypothecate, sell, assign, lease or exchange the same, and acquire others in lieu thereof; provided the annual revenue derived from such immovable property shall not exceed twelve thousand dollars, and that such revenue be devoted exclusively to the purposes of such congregation and to the payment of expenses in connection with divine worship.

Value of property to be held limited. Application of revenue

Board of management.

**3.** The secular affairs of the congregation shall be administered by a board consisting of a president, parnass, secretary, treasurer, and five other trustees, all of whom shall be elected at the annual general meeting of the congregation, and shall remain in office for one year, but shall be eligible for re-election.

Provisional board.

The first nine of the persons above-mentioned shall form a provisional board of trustees, who shall elect from among their number a president, parnass, secretary and treasurer, and shall remain in office until they are replaced by the regular board elected at the first general meet-

ing of the members of the congregation, which meeting shall be held within the three months following the coming into force of this act and shall be convened by the provisional trustees.

First meeting for election.

Five trustees shall form a quorum.

Quorum

4. At such annual meetings, the said congregation may make all rules and by-laws not inconsistent with this act or the laws of this province, and repeal the same and make others in lieu thereof subject to the same restriction, for the government and administration of the congregation and to provide for the admission and removal of its members.

Powers at annual meetings to make by-laws.

5. The trustees, however, shall not alienate, hypothecate, or otherwise pledge the immoveables of the corporation or congregation without the consent of the majority of the members, present at a meeting convened by notice given at least one month beforehand by the president of the congregation, or in his default by the secretary.

Powers of trustees limited.

6. The members of the congregation are exempted from inscribing their names, age, occupation and residence in the register kept by the prothonotary of the district of Montreal for persons of the Jewish faith, any law to the contrary notwithstanding.

Members exempted from registering under 9 Geo. IV c. 75.

7. The said congregation may keep a register for births, marriages and deaths and shall have the other powers incident to religious congregations, under the law of this Province.

Registers of civil status may be kept.

8. This act shall come into force on the day of its sanction.

Coming into force.

#### C A P. L X X X V.

An Act to change the name of " The Corporation of the Portuguese Jews of Montreal " to " The Corporation of Spanish and Portuguese Jews, ' Shearith Israel, ' of Montreal," and to amend its act of incorporation.

[Assented to 2nd April, 1890.]

**W**HEREAS the corporation of the Portuguese Jews of Montreal has, by its petition, represented that the said corporation is composed of the president, trustees, treasurer and secretary of the congregation of the Portuguese Jews of Montreal, and that it is desirable that the members of the said congregation, and not merely the

Preamble;

officers thereof, should form the corporation; that it would be more correct and in accordance with Jewish custom to call the said corporation "The Corporation of Spanish and Portuguese Jews of Montreal," with the addition of the Hebrew name, "Shearith Israel," by which the said congregation has always been known; that the increase in value of real estate in Montreal has rendered it necessary to increase the powers of the said corporation to hold property; and that it is also desirable to free the members of the said congregation from the exceptional rules as to registration imposed upon them by the act of the late Province of Lower Canada, 9 George IV, chapter 75, and the act of the late Province of Canada, 9 Victoria, chapter 96, and to otherwise amend the charter of the said corporation;

And wh. reas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

Name.

Powers.

Value of real estate to be limited.

Further powers.

Rabbi need not be licensed.

1. The present members of the congregation of the Portuguese Jews of Montreal, whose president, trustees, treasurer and secretary now constitute "The corporation of the Portuguese Jews of Montreal," and all other persons who may hereafter become members of the said congregation, under the by-laws hereinafter mentioned, are hereby constituted a body politic and corporate, under the name of "The Corporation of Spanish and Portuguese Jews, 'Shearith Israel' of Montreal"; and, under that name, shall be capable of suing and being sued, pleading and being impleaded, contracting and being contracted with, and may acquire, take, hold and possess, for their corporate use, moveable and immoveable property, and may sell, hypothecate, and otherwise alienate and dispose of all such property, and may acquire other property in lieu thereof; provided always that the annual revenue of the immoveable property of the said corporation shall not exceed thirty thousand dollars, and provided also that such revenue and the proceeds of any such sales shall be applied solely to the purposes of the said congregation; and shall have perpetual succession and a common seal, with power to change the same at pleasure, and may appoint and induct a Rabbi or officiating minister, and him, at pleasure, may remove, and appoint and induct another in his place at all times hereafter; and such Rabbi or officiating minister, being so appointed, shall not need to obtain a license from the Governor or person administering the Government, as enacted in the act of the late Province of Lower Canada, 9 George IV, chapter 75, and shall nevertheless have all the powers conferred by the said act on ministers so licensed.

In the event of the said corporation receiving or inheriting by gift or will any immoveable property in excess of what it is hereby authorized to possess, the said gift or legacy shall not on that account be void, but the said corporation shall be bound, within ten years from the date of its entering into undisturbed possession of the said gift or legacy, to sell and dispose of the said immoveable property or some other of its immoveable property, in such manner that the annual revenue of the immoveable property of the said corporation shall not exceed the aforesaid sum of thirty thousand dollars.

2. "The corporation of Spanish and Portuguese Jews, Corporation 'Shearith Israel' of Montreal," shall not be deemed to be a new corporation, but the successor of "The corporation of the Portuguese Jews of Montreal," and, as such, shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by the latter corporation, and shall be subject to all the obligations contracted by it.

3. All moveable and immoveable property possessed by, or belonging to, or held in trust for, or now or hereafter donated or bequeathed to "The corporation of the Portuguese Jews of Montreal," or the said congregation "Shearith Israel," of Montreal, shall be and are hereby transferred to and vested in "The corporation of Spanish and Portuguese Jews, 'Shearith Israel,' of Montreal"; and for greater certainty, but not so as to limit or restrict the generality of the foregoing provisions, "The corporation of Spanish and Portuguese Jews, 'Shearith Israel,' of Montreal", aforesaid, is declared to be vested with the ownership of the immoveable property, official subdivision 1 of lot 1475 of Saint Antoine Ward, in the city of Montreal, and of the synagogue in process of erection thereon, now owned by the said corporation of "The Portuguese Jews of Montreal", and with the ownership of the immoveable property, official lot 566 Saint Lawrence Ward, in the said city of Montreal, and the buildings thereon erected, also owned by the said last mentioned corporation; it being expressly stipulated that all moneys, bequeathed in trust to the corporation of the Portuguese Jews of Montreal, shall continue to be held and administered in trust by "The corporation of Spanish and Portuguese Jews, 'Shearith Israel,' of Montreal."

4. The present trustees and officers of "The congregation of the Portuguese Jews of Montreal" shall be the trustees and officers of "The corporation of Spanish and Portuguese Jews, 'Shearith Israel,' of Montreal," until others shall be elected according to the by-laws of the said corporation;

Present by-laws, etc., continued.

All the present by-laws of the said corporation, that are not inconsistent with the provisions of this act, shall be the by-laws of the said corporation until they shall be repealed or altered; and the said corporation shall have the power to amend or repeal, from time to time, the whole or any part of the said by-laws, and make other rules and by-laws, as may be necessary; provided always that as the two synagogues, situated on the properties referred to in section 3 of this act, have been erected with moneys donated for the special purpose of erecting synagogues following the Spanish and Portuguese orthodox ritual, the by-laws of the said corporation shall always be in conformity with the purpose of the said donations.

Proviso.

Members need not register under 9 Geo. IV, c. 75.

5. The members of the said "The Corporation of the Spanish and Portuguese Jews, 'Shearith Israel,' of Montreal," shall not be required to inscribe and register themselves in the manner provided by the aforesaid act of the late Province of Lower Canada, 9 George IV, chapter 75.

9 Geo. IV, c. 75 repealed when it contradicts this act and 9 V., c. 96, in so far as this corporation is concerned.

6. The act of the late Province of Lower Canada, 9 George IV, chapter 75, is hereby repealed, in so far as it contradicts or derogates from this act; and the act of the late Province of Canada, 9 Victoria, chapter 96, is hereby repealed, in so far as it concerns this corporation.

Coming into force.

7. This act shall come into force on the day of its sanction.

## C A P. L X X X V I.

An Act to consolidate and amend the act 32 Vict., chap. 91 incorporating *l'Union St. Joseph de Sorel*.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS it is expedient to consolidate and amend the act 32 Vict., chap. 91, under which *l'Union St. Joseph de Sorel* is incorporated;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated. Name.

1. The present members of the corporation, and those who may hereafter become members, are constituted a corporation under the said name of *l'Union St. Joseph de Sorel*.

32 V., c. 91 repealed and replaced.

2. The act 32 Vict., chap. 91 is replaced by the present act.

**3.** The corporation hereby constituted is substituted, to all intents and purposes, for that which existed under the act cited in the preceding section and succeeds to it in all its rights, privileges, powers and obligations. Present corporation to succeed to one under 33 V., c. 91.

**4.** The present rules and by-laws, consistent with the provisions of the present act, shall continue to have full force and effect until amended, repealed or replaced. Present rules, etc., continued.

**5.** The present officers of the corporation shall remain in office until replaced under this act and the by-laws. Present officers continued in office.

**6.** The head office and place of business of the corporation shall be in the city of Sorel, and the regular general meetings or others shall be held in the said city. Head office.

**7.** This corporation has perpetual succession, and may sue and be sued, before all courts of justice, contract and bind itself within the limits of its powers; acquire, accept and receive under any title whatsoever, gratuitous or onerous, *inter vivos* or by will, all hereditaments and all moveable and immoveable property, situated in the Province of Quebec necessary for attaining the end it has in view and the annual revenue whereof shall not exceed three thousand dollars, and lease, hypothecate, sell, exchange or otherwise alienate or dispose of the same and acquire others in lieu thereof for the same purposes. Powers of corporation. Value of real estate limited

**8.** One third of the active members of the corporation, not indebted to it, have power to adopt the by-laws necessary or expedient for the good government of the corporation and the management of its properties and affairs, for the admission and expulsion of members, for fixing the amount of contributions to be paid by members, and of aid to be paid to its members, as well as to their widows, their orphans or their heirs, and for all other objects within the jurisdiction of the corporation. Powers to pass by-laws for certain purpose.

They may impose, by such by-laws, fines not exceeding five dollars for each contravention. To impose fines

They have also the power to amend, repeal or replace the present by-laws and those which shall be adopted under this act. To amend, etc., by-laws.

**9.** Such majority may also adopt by-laws to authorize the members of the corporation to dispose by will, as they may deem proper, of the aid to which they are entitled at their death, in the event of their leaving neither widow nor children; and determine the manner in which the members may thus dispose of such aid and the conditions on which the same may be disposed of. Power to authorize members to dispose of aid by will.

General powers for purposes of management.

**10.** The said majority is moreover authorized to adopt all measures and execute all deeds respecting the administration of the corporation and the management of its affairs, due regard being had to the statutes, by-laws, deeds and provisions in force.

Power to appoint attorneys, etc.

**11.** The majority of the members, present at a general meeting, has power to appoint attorneys, administrators, officers, delegates and servants necessary for the proper management of the corporation and the administration of its property and affairs, and grant them a suitable remuneration.

Rights of officers so appointed.

These officers shall exercise the other rights conferred upon them by the by-laws.

Certain property, etc., vested in new corporation.

**12.** All moveable or immovable property, debts, rights and claims whatsoever, belonging to the corporation, as well as the amount of subscriptions, contributions, and fines, due to the corporation under its by laws, are vested in the latter, which may, in its corporate name, exercise all the rights and actions relating thereto.

Liable for debts, etc.

The latter shall be liable for all the debts and obligations of the association.

Members not personally liable.

The members of the corporation shall not be personally responsible for any of its obligations.

Application of revenues.

**13.** The rents, revenues and profits of the corporation shall be exclusively devoted to succouring its members, their widows, orphans or heirs; to acquiring real estate; to the construction and maintenance of its buildings; to the payment of the expenses of management and of other expenses, and to other lawful purposes.

Certain sums not liable to seizure.

**14.** All sums of money, granted by the corporation as aid to its members, who are unable to work through illness or accident, or to the widows, orphans or heirs of deceased members, are not seizable and are exempt from execution and seizure either before or after judgment.

Proviso.

This provision does not apply to sums due by the corporation to any of its members in virtue of any contract bargain or undertaking whatever.

Receipt of aid not an acceptance of succession.

**15.** The receipt of the amount of aid or other amounts coming to the widow or the orphans of a deceased member by the death of such member shall not constitute an acceptance of the succession of such member.

Members competent witnesses.

**16.** Every member is a competent witness in any suit in which the corporation is a party, provided there be no other cause of incapacity or objection.

**17.** The books, registers, by-laws and other documents belonging to the archives of the corporation, as well as copies of and extracts therefrom, certified to be exact by the secretary, are *prima facie* evidence of their contents. Books, etc., prima facie proof.

**18.** The corporation shall, each year, within the first twenty days of the session, transmit to the Legislature a report containing a general statement of its affairs. Return to Legislature.

**19.** This act shall come into force on the day of its sanction. Coming into force.

### C A P . L X X X V I I .

An Act to incorporate the "Italian Mutual Benefit Society, of Montreal."

[Assented to 2nd April, 1890.]

**W**HEREAS Alberto Dini, Giano Andrea, Giovanni Potizra, Janini Constantino, Solari Andrea, Rossi Guiseppa, Romari Angelo, Branini Egisto, Venditi Michelo and Carosino Giaromo, all traders, of Montreal, and other members of "the Italian Mutual Benefit Society of Montreal", have prayed to be incorporated under the said name, for the purpose of providing pecuniary and other assistance for the members of the said association and the widows or children of deceased members, and whereas it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows : Preamble

**1.** The persons mentioned in the preamble of this act, and such others as may join them, are incorporated under the name of the "Italian Mutual Benefit Society of Montreal." Persons incorporated. Name.

**2.** The said corporation shall have perpetual succession; may sue and be sued before the courts of justice; contract and bind itself within the limits of its powers; receive, possess and acquire all moveable property, by gratuitous or onerous title, *inter vivos* or by will and the same to hypothecate or otherwise alienate; the value of such property shall not, however, exceed five thousand dollars. General powers. Value of property united.

**3.** The rents, revenues and profits of the corporation, shall be exclusively devoted to succouring its members and their widows, orphans and heirs, to the acquisition of immoveable property, to the construction and repair of Application of revenues, etc.

buildings, and to the payment of the expenses of management and other lawful purposes.

Power to  
make by-laws  
for certain  
purposes.

**4.** The corporation shall have power to adopt by-laws for each of the following objects :

1. For the administration of its property and its internal economy ;

2. For determining the conditions of admission of its members and the reasons for which they may be expelled, and for prescribing the method to be followed both for their admission and for their expulsion ;

3. For determining the general and special contributions payable by its members ;

4. For regulating the method of collection and recovery and determining the place of payment of such contribution and also of sums payable as aid, fines or otherwise.

Fines.

It may impose fines upon its members for contravention of its by-laws, no such fines however to exceed five dollars for each contravention.

Further power  
to make by-  
laws.

**5.** The corporation shall also have power to pass by-laws :

1. For determining the amount of pecuniary assistance to be paid its members when ill ;

2. For repealing or replacing all by-laws respecting the sums due to the widows or children of deceased members ;

3. For authorizing its members to transfer or bequeath by will to whomsoever they may think proper, the amount of aid to which they are entitled, in the event of their dying without leaving either widow or children ; and for determining in what cases such aid may be transferred or bequeathed and the conditions on which they may be so transferred or bequeathed.

Effect of re-  
ceipt of allow-  
ance from  
society.

**6.** Neither the widow nor the children of a deceased member shall be deemed to have accepted the succession of such member from the mere fact of having received the amount of such aid or other sums coming to them in consequence of the decease of such member.

Members not  
personally  
liable for  
debts, etc., of  
society.

**7.** The members of the corporation do not incur any personal liability towards third parties through the acts or obligations of the corporation.

Members  
competent  
witnesses.

**8.** The members of the corporation are competent witnesses in all cases wherein the corporation is concerned, provided they be not otherwise incapable of being such witnesses.

Return if re-  
quired by  
government.

**9.** The corporation, whenever required by the government of the Province of Quebec or any member thereof, shall make to it a return of its operations.

**10.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXXVIII.

An Act to consolidate the charter of *l'Union St-Joseph de Montréal* (19-20 Victoria, chapter 131), and the acts amending the same.

[Assented to 2nd April, 1890.]

**W**HEREAS it is expedient to consolidate the various Preamble.  
acts affecting the corporation of *l'Union St-Joseph de Montréal*, founded for the purposes of mutual benefit and to grant more ample powers to such corporation ;

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

### PRELIMINARY TITLE.

#### DECLARATORY AND TEMPORARY PROVISIONS.

**1.** The act of the late Province of Canada, 19-20 Victoria, chapter 131, incorporating the said "*l'Union St-Joseph de Montréal*," is repealed, as are also the acts amending the same, to wit : 28 Victoria, chapter 66 ; 50 Victoria, chapter 39, and all other acts respecting the said corporation ; and the said acts are replaced by the present act. 19-20 V., c. 131 ; 28 V., c. 66 ; and 50 V., c. 39, repealed and replaced by this act.

Nevertheless, the act 33 Victoria, chapter 57 intituled : 33 V., c. 57 "*An act to relieve the Union St-Joseph of Montreal*," does excepted and remains in force. not come under the operation of this article and remains in force.

**2.** The corporation hereby incorporated is substituted Present corporation substituted to former one. to all intents and purposes, for that which existed under acts repealed by the preceding article and succeeds to it in all its rights, privileges, powers and obligations.

**3.** The rules, by-laws, ordinances, rolls, contracts, provisions, agreements or acts whatsoever passed, adopted Present by-laws, etc., to remain in force. consented to, or made, in virtue of the said acts repealed by article 1, shall continue to have full force and effect until set aside, amended, repealed, replaced or fulfilled.

The present officers of the corporation shall remain in Present officers to remain in office. office until replaced under this act and the by-laws.

## TITLE I.

## CONSTITUTION OF THE CORPORATION AND ITS OBJECT.

- Members incorporated.** **4.** The present members of the corporation, and those who may hereafter become members under the provisions of this act, shall be and are constituted a corporation under the name of "*l'Union St-Joseph de Montréal.*"
- Name.**
- Head office.** **5.** The head office of the corporation shall be in the city of Montreal.
- Objects of the Union.** **6.** The "*Union St-Joseph de Montréal*" is founded for the purpose of assisting its members in case of sickness, and inability to work, and to grant assistance and confer other benefits upon the widows, children or heirs of its members.
- Certain property vested in corporation, etc.** **7.** All moveable or immoveable property belonging to the corporation, or which may be acquired by it, or by its members in their capacity as members, or which may be given to them in such capacity, as well as the amount of the subscriptions, contributions or fines due to the corporation under its by-laws, are vested in the latter, which shall be liable for all the debts and obligations, to the exclusion of the members who shall not in any way be personally responsible therefor.
- Application of revenues.** **8.** The rents, revenues and profits of the corporation shall be exclusively devoted to succouring its members, their widows, orphans or heirs; to the construction of buildings and the maintenance of the immoveable property of the corporation; to the payment of the expenses of management and other lawful purposes.
- Deposit of surplus and investment thereof.** The surplus shall be deposited in chartered banks or employed in purchasing municipal, Dominion or Provincial debentures or expended in purchasing new immoveables, or loaned to *fabriques* or religious communities, or otherwise invested in mortgages, as the members of the corporation shall decide in general meeting.

## TITLE II.

## POWERS OF THE CORPORATION.

## SECTION I.

## GENERAL POWERS.

- General powers.** **9.** The corporation has perpetual succession and may:
- To sue, etc.:** 1. Sue and be sued before all courts of justice;

2. Acquire, accept and receive, under any title whatsoever, gratuitous or onerous, *inter vivos* or by will, all moveable and immoveable property, and lease, hypothecate, sell or otherwise dispose of the same and acquire others in lieu thereof; however the corporation is forbidden to hold immoveables whose annual revenue exceeds twenty thousand dollars;

To acquire, etc., property;

Value of real estate limited;

3. Contract, bind itself and others to itself and transact business within the limits of its powers;

To contract, etc.;

4. Sign, draw, endorse, transfer, consent to notes, bills of exchange, obligations, guarantees, and all titles and securities whatsoever, negotiable or not, in the fulfilment of its powers, rights and privileges conferred upon it by this act and of all the duties and obligations which devolve upon it.

To sign, etc., bills, etc.;

5. Exercise the powers vested in corporations and necessary for attaining the end it has in view, and for assuring the working and progress of the institution.

To exercise generally all requisite powers.

#### SECTION II.

##### POWER TO MAKE BY-LAWS.

10. The majority of the members present at a general meeting has power to adopt by-laws for the following purposes:

Power of majority to pass by-laws for:

1. For its proper management and its internal economy: Management:

2. For the admission of members, their expulsion or the striking of their names from the roll of active members;

Admission, etc., of members;

3. For fixing the amount of the contributions to be paid by members for the administration of the corporation, also the amount of aid to be paid to its members who are sick or unable to work, or to the orphans of deceased members until they have obtained the age specified in the by-laws;

Fixing contributions;

4. For determining the amount of aid to be allowed to the widows and heirs of members; the time at which such aid shall be paid and the contribution which may be exacted from the members for that purpose; for granting aid to members who may become widowers and determine in what cases such aid shall be granted;

Determining amount of aid to be allowed, etc.;

5. For establishing such restrictions as the corporation may deem proper in connection with such aid and the enjoyment thereof;

Establishing restrictions as to aid to be allowed;

6. For assisting aged members, who are not sick, but who are unable to perform any remunerative labour, by remitting the whole of their contributions, which shall moreover be deducted from out of the compensation to be paid to their widows or legal representatives, or recovered in such other manner as the corporation shall decide;

Assisting aged members, etc.;

Levying costs  
of collecting  
arrears;

Administra-  
tion of affairs,  
etc.

Fines.

7. For levying upon members in arrear the cost of collecting their arrears ;

8 For the administration of its affairs and generally for all other objects within the limits of its powers.

11. The said majority may by by-law impose fines not exceeding two dollars for each contravention.

#### SECTION III.

#### MISCELLANEOUS POWERS.

Power of  
majority by  
by-law :

To enter into  
agreements  
with members,  
etc., for anti-  
cipated pay-  
ments in cer-  
tain cases and  
redemption  
of members'  
rights.

Order that  
such member,  
etc., shall have  
no further  
right to  
participate.

Order that  
members may  
dispose of aid  
by will, etc.,  
establish re-  
strictions re-  
spectingsame.

Power to  
appoint  
administra-  
tors, etc., by  
by-law.

Power to  
collect, etc.  
subscriptions,  
etc.

12. The majority of the members present at a general meeting may also, by by-law ;

1. Enter into covenants and agreements with any member attacked by disease, ascertained to be incurable or who has become incapable of doing any work for the remainder of his life, or with his wife, duly authorized, or legal representatives, for the purpose of redeeming for a fixed and specific amount the aid due in case of illness and to which such member is entitled as well as the compensation which his family or representatives might claim in the event of his death, and, by anticipation and as if such member were dead, to exact from each of the members his share of the amount agreed upon for such redemption ;

2 Order that, by such redemption, the sick member, whose rights have been redeemed, shall no longer, during his life, nor shall his heirs after his death, have any right to participate in the benefits of the corporation ;

3. Order that, in future, the members of the corporation may dispose, by will or in any other legal manner, of the aid becoming due at their death, in the event of their leaving neither widow nor children ; establish all restrictions to the rights connected with such aid, and determine the conditions on which the same may be disposed of.

13. The said majority may, by by-law, provide for the appointment of attorneys, administrators, officers, delegates and servants necessary for the proper management of the corporation and the administration of its property and affairs and grant them a suitable remuneration.

14. The corporation may in its corporate name sue before any court of competent jurisdiction for the amount of the subscriptions, contributions, fines and other amounts, as well as real and personal rights, which are due or belong to it.

## TITLE III.

## MISCELLANEOUS PROVISIONS.

**15.** The right to claim the amount of the indemnity payable to the widow, or the heirs on the death of a member, under the by-laws of the corporation, is prescribed by the lapse of twelve months from the day on which it becomes due. Prescription of right to claim indemnity.

**16.** The books, registers, by-laws rolls and other documents of the archives of the corporation, as well as the copies thereof and extracts therefrom certified to be true by the president, are *primâ facie* evidence of their contents, in all suits between the corporation and any of its members only. Books etc., to be *primâ facie* proof.

**17.** All sums of money granted by the corporation as aid to its members, who are unable to work through illness or accident, or to the widows, orphans or heirs of deceased members, are not seizable and are exempt from execution and seizure, either before or after judgement. Moneys granted as aid not liable to seizure.

This provision does not apply to sums due by the corporation to any of its members otherwise than by way of aid or assistance. Certain sums not affected by article.

**18.** Any member may withdraw from the corporation by complying with its by-laws. Withdrawal of members.

**19.** The corporation is bound to submit, each year, a report containing a statement of its affairs, to the Legislature within the first twenty days of the session. Return to Legislature.

**20.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXXIX.

An Act to consolidate the charter of *l'Union St-Pierre de Montréal* (25 Victoria, chapter 94) and the acts amending the same.

[Assented to 2nd April, 1890.]

**W**HEREAS it is expedient to consolidate the various acts affecting the corporation of *l'Union St-Pierre de Montréal*, founded, for the purpose of mutual benefit and to grant more ample powers to such corporation ; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## PRELIMINARY TITLE.

### DECLARATORY AND TEMPORARY PROVISIONS.

25 V., c. 94,  
28 V., c. 67, 33  
V., c. 56, and  
50 V., c. 40,  
repealed.

**1.** The act of the late Province of Canada, 25 Victoria, chapter 94, incorporating the said "*l'Union St-Pierre de Montréal*," is repealed as are also the acts amending the same, 28 Victoria, chapter 67; 33 Victoria, chapter 56; and 50 Victoria chapter 40.

All replaced  
by this act.

All the said acts are replaced by the present act.

Present cor-  
poration  
substituted to  
former one.

**2.** The corporation hereby incorporated is substituted to all intents and purposes for that which existed under the acts repealed by the preceding article, and succeeds to it in all its rights, privileges, powers and obligations.

Present by-  
laws, etc., to  
remain in  
force.

**3.** The rules, by-laws ordinances, rolls, contracts, provisions, agreements or acts whatsoever passed, adopted, consented to, or made in virtue of the said acts repealed by article 1, shall continue to have full force and effect until set aside, amended, repealed, replaced or fulfilled.

Present offi-  
cers to remain  
in office.

The present officers of the corporation shall remain in office until replaced under this act and the by-laws.

## TITLE I.

### CONSTITUTION OF THE CORPORATION AND ITS OBJECT.

Members in-  
corporated.

**4.** The present members of the corporation and those who may hereafter become members under the provisions of this act shall be and are constituted a corporation under the name of "*l'Union St-Pierre de Montréal*."

Name.

Head office.

**5.** The head office of the corporation shall be in the city of Montreal.

Objects of the  
Union.

**6.** The "*Union St-Pierre de Montréal*" is founded for the purpose of assisting its members in case of sickness and inability to work, and to grant assistance and confer other benefits upon the widows, children or heirs of such members.

Certain pro-  
perty vested  
in corpora-  
tion, etc.

**7.** All moveable or immoveable property belonging to the corporation or which may be acquired by it or by its

members in their capacity as members, or which may be given to them in such capacity, as well as the amount of the subscriptions, contributions or fines due to the corporation under its by-laws, are vested in the latter, which shall be liable for all the debts and obligations, to the exclusion of the members who shall not in any way be personally responsible therefor.

8. The rents, revenues and profits of the corporation shall be exclusively devoted to succouring its members, their widows, orphans or heirs; to the construction of buildings and the maintenance of the immoveable property of the corporation; to the payment of the expenses of management, and to other lawful purposes. Application of revenues.

The surplus shall be deposited in chartered banks or employed in purchasing municipal, Dominion or Provincial debentures, or expended in purchasing new immoveables or, loaned to *fabriques* or religious communities or otherwise invested in mortgages, as the members of the corporation shall decide in general meeting. Deposit of surplus and investment thereof.

## TITLE II.

### POWERS OF THE CORPORATION.

#### SECTION I.

##### GENERAL POWERS.

9. The corporation has perpetual succession and may : General powers.
1. Sue and be sued before all courts ; To sue, etc;
2. Acquire, accept and receive, under any title whatsoever, gratuitous or onerous, *inter vivos* or by will, all moveable and immoveable property, and lease, hypothecate, sell or otherwise dispose of the same and acquire others in lieu thereof; however, the corporation is forbidden to hold immoveables whose annual revenue exceeds twenty thousand dollars ; To acquire, etc., property; Value of real estate to be held limited;
- 3 Contract, bind itself and others to itself and transact business within the limits of its powers ; To contract, etc;
- 4 Sign, draw, endorse, transfer, consent to notes, bills of exchange, obligations, guarantees and all titles and securities whatsoever, negotiable or not, in the fulfilment of its powers, rights and privileges conferred upon it by this act and of all the duties and obligations which devolve upon it ; To sign, etc., bills and notes, etc;
5. Exercise the powers vested in corporations and necessary for attaining the end it has in view and for assuring the working and progress of the institution. To exercise generally all requisite powers.

## SECTION II.

## POWER TO MAKE BY-LAWS.

**Power of majority to pass by-laws, for :** **10.** The majority of the members present at a general meeting has power to adopt by-laws for the following purposes :

**Management;** 1. For its proper management and its internal economy ;  
**Admission, etc., of members;** 2. For the admission of members, their expulsion or the striking of their names from the roll of active members ;  
**Fixing contributions, etc ;** 3 For fixing the amount of the contributions to be paid by members for the administration of the corporation, also the amount of aid to be paid to its members who are sick or unable to work, or to the orphans of deceased members until they have obtained the age specified in the by-laws ;

**Determining amount of aid to be allowed, etc ;** 4. For determining the amount of aid to be allowed to the widows and heirs of members, the time at which such aid shall be paid, and the contribution which may be exacted from the members for that purpose ; for granting aid to members who may become widowers and determine in what cases such aid shall be granted ;

**Establishing restrictions as to aid to be allowed ;** 5. For establishing such restrictions as the corporation may deem proper in connection with the right to such aid and the enjoyment thereof ;

**Assisting aged members, etc ;** 6. For assisting aged members, who are not sick, but who are unable to perform any remunerative labour, by remitting the whole of their contributions, which shall moreover be deducted from the compensation to be paid to their widows or legal representatives, or recovered in such other manner as the corporation shall decide ;

**Levying costs of collecting arrears ;** 7. For levying upon members in arrear the cost of collecting their arrears ;

**Administration of affairs, etc.** 8. For the administration of its affairs and generally for all other objects within the limits of its powers.

**Fines.** **11.** The said majority may by by-law impose fines not exceeding two dollars for each contravention.

## SECTION III

## MISCELLANEOUS POWERS.

**Power of majority, by by-law, to enter into agreements with members, etc., for and in** **12.** The majority of the members present at a general meeting may also, by by-law :  
 1. Enter into covenants and agreements with any member attacked by disease, ascertained to be incurable or who has become incapable of doing any work for the

remainder of his life, or with his wife, duly authorized, or his legal representatives for the purpose of redeeming for a fixed and specific amount the aid due in case of illness and to which such member is entitled, as well as the compensation which his family or representatives might claim in the event of his death, and, by anticipation and as if such member were dead, to exact from each of the members his share of the amount agreed upon for such redemption ;

2. Order that by such redemption, the sick member whose rights have been redeemed shall no longer, during his life, nor shall his heirs after his death, have any right to participate in the benefits of the corporation ;

3. Order that in future the members of the corporation may dispose, by will or in any other legal manner, of the aid becoming due at their death, in the event of their leaving neither widow nor children ; establish all restrictions to the rights connected with such aid and determine the conditions on which the same may be disposed of.

13. The said majority may, by by-law, provide for the appointment of attorneys, administrators, officers, delegates and servants necessary for the proper management of the corporation and the administration of its property and affairs, and grant them a suitable remuneration.

14. The corporation may in its corporate name sue before any court of competent jurisdiction for the amount of the subscriptions, contributions, fines and other amounts, as well as real and personal rights which are due or belong to it.

### TITLE III.

#### MISCELLANEOUS PROVISIONS.

15. The right to claim the amount of the indemnity payable to the widow, or the heirs on the death of a member, under the by-laws of the corporation, is prescribed by the lapse of twelve months from the day on which it becomes due.

16. The books, registers, by-laws, rolls and other documents of the archives of the corporation, as well as the copies thereof and extracts therefrom, certified to be true by the president and the secretary, are *primâ facie* evidence of their contents.

17. All sums of money granted by the corporation as aid to its members, who are unable to work through

pated payments in certain cases, and redemption of members' rights;

Order that such members shall have no further right to participate in benefits.

Order that members may dispose of aid, etc., by will.

Establish restrictions respecting san.e.

Power to appoint administrators, etc., by by-law, etc.

Power to sue for subscriptions, etc.

Prescription of right to claim indemnity.

Books, etc., to be *primâ facie* evidence.

Moneys granted as aid not liable to seizure.

illness or accident, or to the widows, orphans or heirs of deceased members, are not seizable and are exempt from execution and seizure, either before or after judgement.

Certain sums  
not affected  
by article.

This provision does not apply to sums due by the corporation to any of its members otherwise than by way of aid or assistance.

Withdrawal of  
members.

18. Any member may withdraw from the corporation by complying with its by-laws.

Return to Le-  
gislation.

19. The corporation is bound to submit, each year, a report containing a statement of its affairs, to the Legislature within the first twenty days of the session.

Coming into  
force.

20. This act shall come into force on the day of its sanction.

## C A P . X C .

An Act to incorporate the Reverend Ambroise Fafard priest, (and others) for charitable purposes, under the name of *L'Hospice Sainte-Anne de la Baie Saint-Paul*.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the Reverend Ambroise Fafard, priest, *vicaire forain*, parish priest of the parish of St. Pierre and St. Paul, called La Baie St. Paul, in the county of Charlevoix, has, by his petition, represented that he the said Reverend Ambroise Fafard has founded and established, with his own money, in the aforesaid parish, a charitable institution called "*L'Hospice Ste. Anne de la Baie St. Paul*," for the purpose of receiving the aged, the infirm, the sick and the indigent;

Whereas it is desirable, for the stability and development of this institution, that it be given a legal existence, and that, for such purpose, the said Reverend Ambroise Fafard, priest, the reverend Joseph Girard, priest, the reverend O. Lavoie, priest, *vicaire* of the said parish, Mr. Philippe Gagnon, mayor of the said parish and Mr. Joseph Morin, member of the Legislative Assembly of Quebec, residing in the said parish, and their successors, be incorporated as hereinafter set forth; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain per-  
sons incorpo-  
rated.

1. The persons mentioned in the preamble of this act, and their successors in connection with this charitable

institution, who shall be designated in the manner hereinafter set forth, are incorporated under the name of "*L'Hospice Ste. Anne de la Baie St. Paul.*"

Name

**2.** The object of the corporation is to admit poor, infirm and sick persons into the said institution and to care for them; to provide the indigent with the assistance they may require in consequence of accidents; to keep a dispensary, where medical advice and medicines will be given to the poor in accordance with such rules as may be determined by the by-laws of the institution.

Object of the corporation.

**3.** The corporation is vested with all the rights, powers and privileges conferred by law upon corporations.

Powers of corporation.

It may, for the objects of its incorporation:

It may sue, etc.;

1. Sue and be sued before the courts of justice;

2. Acquire, possess and hold, under any title whatsoever, gratuitous or onerous, *inter vivos* or by will, either in full ownership or in trust, moveable and immoveable properties, hereditaments, constituted and life rents, public securities and other properties, and lease sell, hypothecate or otherwise dispose of the same;

Acquire etc., property;

3. Contract, bind itself and others to itself, within the limits of its powers;

Contract;

4. Borrow all sums of money needed for the requirements of the institution.

Borrow money.

**4.** The corporation has also power to pass by-laws in connection with the following:

Power to pass by-laws:

1. The interests, proper administration and the internal economy of the corporation;

Administration of corporation;

2. The management of the institution and administration of its property;

Management of institution;

3. The admission and discharge of patients;

Admission patients, etc.

4. Generally for all purposes within the limits of the powers of the corporation.

Generally for all purposes.

**5.** The said Reverend Ambroise Falard, priest, the founder of the institution shall be, *de jure*, the manager of the establishment and shall preside over both its inside and outside management; he shall also be, *de jure*, the procurator and administrator of the property of the corporation.

Rev. A. Falard to manage, etc.

Procurator and administrator.

**6.** He shall have the right to appoint one or more of his successors, or to prescribe, in any deed whatsoever,

With right to appoint his

successors,  
etc.

gift *inter vivos*, will or other deed, the manner in which they shall be selected, and by such means to transfer his share of the property and effects of the institution and to ensure its being perpetuated.

Successors to  
Rev. A. Fa-  
fard and their  
rights.

7. The incorporated religious communities or the persons so designated by the said Reverend Ambroise Fafard, shall be his successors in the said corporation, and, as such, shall enjoy all his rights and privileges, subject to such charges and conditions as he may impose.

Rights to man-  
age institu-  
tion, etc.,  
choice of  
successors.

8. They shall enjoy the right of managing the institu-  
tion, of administering the property of the corporation,  
of appointing successors, and of prescribing the man-  
ner in which they shall be selected; and such rights,  
shall be transmitted for ever from successors to succes-  
sors.

Choice sub-  
ject to certain  
approval.

The choice of the successors shall, in all cases, be subject to the approval of the Roman Catholic ecclesiastical authority of the diocese in which the "*Hospice Ste. Anne de la Baie St. Paul*," is or shall be situated.

Provision for  
appointment  
of successors,  
if not ap-  
pointed as  
herein above  
indicated.

9. In the event of the Reverend Ambroise Fafard, or of one of his legal successors, dying without having disposed of the institution, and without having appointed any legal successors, his natural successors shall be the parish priests (*curés*) and church wardens of *l'œuvre et fabrique* of the parish of St. Pierre and St. Paul, called Baie St. Paul, in the county of Charlevoix, to the exclusion of the natural or legal heirs of the said Reverend Ambroise Fafard, or of those of his successors, who shall have so died without providing for the succession of the institution.

Rights of such  
persons.

In such case, the said parish priest and churchwardens shall enjoy the privileges and rights conferred by this act upon the Reverend Ambroise Fafard, with respect to the management of the institution, the administration of the affairs of the corporation and the choice of their successors.

Certain per-  
sonal obliga-  
tions and  
rights of Rev.  
A. Fafard,  
not affected.

10. The provisions of this act shall in nowise affect the personal obligations and rights of the Reverend Ambroise Fafard, outside of the administration and internal and external economy of *l'Hospice Ste. Anne de la Baie St. Paul*.

Coming into  
force.

11. This act shall come into force on the day of its sanction.

## CAP. XCI.

An Act to amend the act incorporating "The Benevolent Society of Notre Dame de Bonsecours" at Montreal, (18 Vict., chap. 234) and the act amending the same, (34 Vict., chap. 54).

[Assented to 2nd April, 1890.]

**WHEREAS** "The Benevolent Society of Notre Dame de Bonsecours" at Montreal, incorporated by the act 18 Victoria, chapter 234, and amended by the act 34 Victoria, chapter 54, whose object is to succour and assist its sick members, as well as the widows and orphans of its deceased members, has, by its petition, prayed for several amendments to the two acts above mentioned, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

1. The redemption of life-rents of some widows of deceased members of the Benevolent Society of Notre Dame de Bonsecours at Montreal, effected by the board of directors of the society, is declared valid to all intents and purposes, although such rents be declared non-transferable by the by-laws of the society.

Certain redemption of life-rents declared valid.

2. The life-rents, which the widows of deceased members receive and shall receive, or shall hereafter be entitled to receive from the society, are declared to be transferable; the board of directors of the society may, consequently, redeem such rents or any thereof at a price to be agreed upon between the parties.

Life-rents declared transferable and may be redeemed.

3. The board of directors has also power :

1. To take from the reserve fund or capital of the society the money required for purchasing, at the price and on the conditions agreed upon between the parties, the life-rents of the widows of deceased members or any of them, as well as the rights of living members, in order within a more or less remote period to effect the liquidation and dissolution of the society and the division of its assets between the remaining members and widows of those deceased and who have not as yet settled ;

Certain powers of directors : To purchase life-rents ;

2. To refuse the admission of all new members who might wish to enter the society as well as that of old members who might wish to belong to it again ;

To refuse admission of new members, etc ;

3. To amend and consolidate at any time the constitution and by-laws of the society in order to attain the end aforesaid.

To amend constitution and by-laws

Approval  
thereof.

In order to have their effect, such constitution and by-laws, amended and consolidated in virtue of this section, must be approved, at a general meeting, convened for that purpose, by the majority of the members of the society present at such meeting.

## CAP. XCII.

An Act to incorporate "*La Société Bienveillante St. Roch.*"

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS there exists in Quebec a society called "*La Société Bienveillante St. Roch.*," organized for the purpose of supporting the widows, children or heirs of deceased members;

Whereas it has become necessary, for the proper working of the society, that it should enjoy the rights, privileges and powers of an incorporated society;

Whereas the members of the society have, by petition, prayed that it be incorporated, and whereas it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## TITLE I.

### CONSTITUTION AND ORGANIZATION OF THE CORPORATION.

Certain  
persons incor-  
porated.

1. Jean Baptiste Robitaille, senior, Joseph F. Arcl, Jean Baptiste Drouin, Joseph Dussault, J. Téléphore Gagnon, George Lamontagne and Pierre Edouard Émile Bélanger, together with such other persons as now are or may become members of the society, are constituted a body politic and corporate, under the name of "*Société Bienveillante St. Roch.*"

Name.

Head office  
and place of  
meeting.

2. The head office and seat of business of the corporation shall be in the present parish of St. Roch de Quebec, and the regular general and other meetings convened in accordance with the by-laws of the society, shall be held at the place where the parish of St. Roch de Quebec now stands.

Certain pro-  
perty of so-  
ciety vested  
in corpora-  
tion.

All moveable and immoveable property, debts, rights and claims whatsoever belonging to the society, as well as the amount of subscriptions, contributions, or other sums due to the latter, are vested in the corporation, which is and shall be the sole owner thereof.

But it is liable for all the debts and obligations of the society, to the exclusion of the members who are not personally liable therefor. Conditions.

The regulations and by-laws of the society, which are consistent with the provisions of this act, shall remain in force until amended, repealed or replaced, in virtue of this act. Existing by-laws of society.

The present officers of the society shall remain in office until they are replaced, in accordance with the by-laws of the corporation. Present officers of society.

## TITLE II.

### POWERS OF THE CORPORATION.

**3.** The corporation shall have perpetual succession and may : General powers of corporation.

1. Sue and be sued before any court of justice within and without the Province ; Sue ;

2. Contract, bind itself and exercise, within the limits of its charter, all the rights, powers and privileges conferred upon corporations ; Contract etc.

3. Acquire, possess, accept and receive by purchase, donation, legacy or other title, all moveable or immoveable property ; and lease, sell, hypothecate, exchange or otherwise dispose of the same and substitute others in lieu thereof ; Acquire, etc., property ;

4. Establish a mutual benefit fund for its sick members. Benefit fund.

**4.** Two-thirds of the members present at a general meeting, convened and held in accordance with the by-laws, may adopt regulations and by-laws in connection with the following : Power to make by-laws for certain purposes.

1. The proper management of the corporation and its internal economy ;

2. The administration of its property and affairs ;

3. The admission and expulsion of its members ;

4. The election of its directors and officers ;

5. The determining of the monthly and other contributions to be paid by the members ;

6. The amount of aid to be allowed to sick members, to their widows, children or heirs, and the conditions on which such aid shall be allowed and paid ;

7. The election or appointment of the directors and officers and their duties, powers and obligations ;

8. The sittings and meetings of members and directors ;

9. All objects generally within the limits of the powers of the corporation.

The corporation is authorized to incur all necessary expenses for its proper working and administration. Power to incur expenses for management.

Power to sue  
for subscrip-  
tion, etc., due  
to it, etc.

5. The corporation may, in its corporate name, sue before any civil court of competent jurisdiction for any amount due to it for subscriptions, and contributions, and also for all rights in connection with moveables or immoveables and for all sums whatsoever.

### TITLE III.

#### MISCELLANEOUS PROVISIONS.

Books etc., to  
*prima facie*  
evidence in  
certain suits.

6. The books, registers, by-laws, archives and all documents whatsoever of the society or corporation, as well as copies thereof or extracts therefrom, certified to be exact by the officer in charge of the same, shall be *prima facie* evidence of their contents in suits between the corporation and its members.

Withdrawal  
of members.

No member can withdraw from the society until he has paid all sums due and payable to it by him.

Members  
competent  
witnesses.

Every member is a competent witness in suits to which the corporation is a party, provided there be otherwise no cause of objection or incapacity.

Aid, etc., not  
liable to  
seizure.

The sums of money granted by the corporation, as aid or succour, are not liable to seizure and are exempt from all executions or seizure, either before or after judgment.

Money due  
otherwise by  
corporation.

This provision does not extend to the sums due by the corporation to its members in virtue of a contract, agreement or other undertaking whatsoever.

Aid received  
not to be an  
acceptance of  
succession.

The receipt of aid by the widow, the children or heirs of a deceased member does not constitute an acceptance of the succession of such member.

Coming into  
force.

7. This act shall come into force on the day of its sanction.

### CAP. XCIII.

An Act to incorporate the "*Maison de charité de Sainte-Cunégonde.*"

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the persons hereinafter mentioned have, by petition, represented that it is necessary to establish at Sainte Cunégonde, a charitable institution for the aged, infirm, and orphans of both sexes, and for the purpose of educating young children, and especially the children of the poor; whereas, in fact, such persons have already founded such an institution, which has already received aged persons and orphans and given instruction to a great many children;

Whereas, for the purposes above mentioned, the said persons have received gifts and contributions to a considerable amount, and have already acquired property of the value of several thousand dollars ;

Whereas, in order to render their institution, (the only one in the locality) more useful, they intend to add thereto a dispensary in aid of the indigent sick, without distinction of religion or nationality, and to give them prescriptions and dispense medicines to them ;

Whereas they have, by their petition, prayed to be incorporated, under the name of "*Maison de charité de Sainte-Cunégonde*" ; and it is expedient to grant their prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Reverend A. Seguin, parish priest of Ste. Cunégonde, L. H. Hénault, mayor of Ste. Cunégonde, J. H. Doré, Charles Ferdinand Lalonde, Hubert Morin, S. Delisle, J. Chabot, J. Durocher, H. Fauteux, L. Desjardins, G. Courville, M. Lemieux, N. Lapointe, T. Cypihot, M. D., J. A. R. Léonard, M. D., M. J. A. Dorval, N. P., G. N. Ducharme, C. F. Porlier, F. X. Chadillon, O. Delisle, Paul Desjardins, O. Provost, P. Lamothe, M. Aubin, J. A. Thibault, L. Labrèche, Ovide Brunet, H. Charron, Z. Mathieu, C. Geoffrion, J. Roy, A. Piché, J. Ladouceur, O. Rivest, A. Dubé, W. Ladouceur, L. Laurin, W. Leroux, C. Monier, A. Ladouceur, F. X. Chrétien, O. Harel, S. Perras, G. Leroux, N. S. Chetagne, G. Cahier, J. Granier, L. Ethier, J. Michon, C. Couture, W. Demers, M. Guay, E. Charbonneau, and all who are now or may hereafter be associated with them, and their successors, are constituted a body politic and corporate, under the name of "*Maison de charité de Sainte-Cunégonde*." Certain persons incorporated.

2. The corporation, hereby constituted, is authorized to establish and maintain, at Sainte Cunégonde, a charitable institution for the purpose of receiving the aged, infirm and orphans of both sexes, and of educating young children, especially the children of the poor and of attaching a dispensary thereto Power to establish certain institution.

3. The corporation shall have perpetual succession and it may : Powers of corporation

1. Sue and be sued and appear before the courts of justice in this Province and elsewhere ; To sue ;

2. Contract and bind itself and, within the limits of its attributions, exercise all rights, powers and privileges vested in corporations ; To contract ;

3. Acquire, hold, accept and receive, by purchase, gift, legacy, or other title, all moveable and immovable property, provided that the annual value of such immovable To acquire, etc., property ;

Proviso as to amount of real estate ;  
Power to lease etc., property ;  
To pass etc. by-laws for government of corporation.

property does not exceed twelve thousand dollars, lease, sell, hypothecate, exchange or otherwise dispose of such moveable and immovable property and to substitute others in lieu thereof;

4. To pass and adopt all orders or by-laws for the government of the corporation and the management of its affairs, and to modify or amend the same, if need be.

To contract loan to certain amount and mortgage property.

4. The corporation is authorized to contract loans, to the amount of thirty thousand dollars, and to hypothecate its property for the securing the repayment of such loans, in capital and interest.

Members of corporation.

5. All persons who pay an annual subscription of at least three dollars are members of the corporation ;

Governors.

All those who contribute at least six dollars are eligible as governors.

Governors *de jure*.

Those who pay an annual subscription of at least twelve dollars are governors *de jure*.

Election of governors.

6. Six governors are elected annually by the members of the corporation.

Board of governors. Duties thereof.

7. All the governors *de jure* and the six governors elected constitute the board of governors, whose duty it is to promote the interests and superintend the affairs of the corporation generally.

Meetings of board.

The board meets, from time to time, to examine the general condition of affairs and for the other purposes set forth in the by-laws.

Board of management.

8. The direct management, the control and administration of the corporation are confided to a board, called the "board of management," consisting of eleven members to wit : the parish priest and a churchwarden of the parish of Sainte Cunégonde, which churchwarden is elected by the churchwardens of the said parish ; of a member of the municipal council of the city of Sainte Cunégonde, elected by the said council ; of a member of the board of school commissioners of the said city of Sainte Cunégonde, elected by the said board ; of the president of the Saint Vincent de Paul association, Sainte-Cunégonde conference ; and of six other members elected by the board of governors.

Minutes to be kept, etc.

The board of management keeps minutes of its proceeding and acts, and, from time to time, reports to the board of governors, as may be provided in the by-laws.

General annual meeting, etc.

9. The general meeting of the members of the corporation is held every year, for the purpose of receiving the report of the board of governors of the state of affairs gene-

rally and of electing the governors, who are eligible for the following year.

10. This act shall come into force on the day of its sanc- Coming into force  
tion.

#### CAP. XCIV.

An Act to incorporate the *Sœurs du Précieux Sang des Trois-Rivières*.

[Assented to 2nd April, 1890.]

**W**HEREAS there has existed since the 24th day of May, Preamble  
1889, in the city of Three Rivers, in the Province of Quebec, a branch of the community of nuns, known as *Sœurs du Précieux Sang de St. Hyacinthe*, whose members aim at devoting themselves, in common, to works of piety and charity consistent with the contemplative life led by them; and whereas the said branch or community of the *Précieux Sang des Trois-Rivières* have, through their superior and other officers hereinafter named, represented to the Legislature, that the incorporation of the said community would assure and increase the advantages derived therefrom, and have prayed to be incorporated according to the rules and regulations hereinafter mentioned; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Mesdames Marie Gouin, known as Sœur Aglès de Jésus, Superior; Marie Lelia Richard, known as Sœur Ste. Anne, assistant; Marie de Lanaudière, known as Sœur Marie de la Croix, mistress of the novices; Marie Louise Badeaux, known as Sœur Seraphine de Jésus, depositary; Marie Boily, known as Sœur St. Michel-Archange, secretary; Céline Berthiaume, known as Sœur Ste. Marie Madeleine de Pazzi, all now members of the community of the *Précieux Sang des Trois-Rivières*, and all other persons who may hereafter become members of the said community, shall be, and they are hereby, constituted a body politic and corporate, under the name of the *Sœurs du Précieux Sang des Trois-Rivières*. Certain persons incorporated.

2. Under such name, the corporation hereby constituted has perpetual succession and may: General powers of corporation.

1. Sue and be sued in the courts of justice; Sue;  
2. Have a seal which it may alter or renew as it may deem advisable; Seal;

3. For the ends and purposes of the said community, acquire, hold, possess, accept and receive, all moveable Acquire property, etc,

and immoveable property and the same sell, lease, or otherwise alienate, and acquire others in place thereof, provided that the annual value of the said property shall not exceed the sum of five thousand dollars, exclusive of the buildings necessary for the said community, and the land upon which the same are or may be built;

**Pass by-laws.** 4. Adopt by-laws and regulations for the government of the said community, the management of the affairs of the corporation, and the administration of its moveable and immoveable property.

**Application of revenues.** 3. The rents, revenues and profits arising from every description of moveable and immoveable property belonging to the said community, shall be appropriated and used solely for the purposes of the said community.

**Quorum.** 4. Three members of the said corporation, the superior, the assistant, and the depositary, shall constitute a quorum for establishing rules and by-laws, and for the transaction of all business of the corporation.

**Power of quorum to appoint agent.** 5. The said quorum may, by a simple delegation of powers signed by the members thereof, appoint an agent or attorney, and remove him at pleasure, and appoint another in his place, to represent the said corporation, and take charge of and defend the interests thereof before any court of justice.

**Powers of such agent.** The powers of such agent or attorney shall extend only to the matters mentioned in such delegation.

**Return to Legislature.** 6. It shall be the duty of the said corporation, when thereunto required by the Lieutenant-Governor in council, to submit, to each branch of the Legislature of this Province, a detailed statement of the property and real estate held and owned by them under the present act.

**Coming into force.** 7. This act shall come into force on the day of its sanction.

## C A P . X C V .

An Act to incorporate "The Woman's Christian Temperance Union of the Province of Quebec."

[Assented to 2nd April, 1890.]

**Preamble** WHEREAS Mrs. Mary E. Sanderson, of Danville, Mrs. E. Middleton, of Coaticook, Mrs. Leila Geggie, of Quebec, Miss J. E. Dougall, of Montreal, Mrs. Sophia Lindsay, of Waterloo, Mrs. Lucy Noyes, of Waterloo, Mrs.

Ellen G. Foster, of Knowlton, Miss Emma G. Barber, of Montreal, Miss Frances Bryson, of Montreal, and Mrs. R. W. McLachlan, of Montreal, have, by petition, set forth that they, with others, are members of an Association which has existed in the Province of Quebec during the last six years, under the name of "The Woman's Christian Temperance Union of the Province of Quebec," and have prayed for an act of incorporation under the said name; and whereas it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The above mentioned persons, and others who are now, or who may hereafter become, members of the said union, are hereby constituted a body politic and corporate, under the name of "The Woman's Christian Temperance Union of the Province of Quebec."

Certain persons incorporated.

2. The objects of the said union are:

To unitedly array the Christian Women of the Province of Quebec, against the manufacture, sale and use of intoxicating liquor as a beverage;

Objects of the Union.

To educate and influence society in favour of sobriety and virtue;

To impress upon the youth of the Province the awful responsibility resting upon those either supporting or engaged in the liquor traffic, and the folly, as well as guilt, of partaking of intoxicants of any kind or in any form;

To gather statistics, facts and incidents relating to the traffic in intoxicating liquor, and make use of them in such a way as will best promote the interests of temperance;

To labour individually for the inebriate, the liquor seller, the fallen woman, and for the neglected masses in the cities and towns of the Province, hitherto unreached and uncared for;

To give active expression of sympathy with the family of the inebriate, and to endeavour to elevate his children from the debasing influence by which they are surrounded;

To heartily co-operate with the temperance societies, in combating the evils of intemperance, and to unite with any other society or association which is endeavouring justly, appropriately, and guided by Christian principles, to procure more advanced and stringent legislation on this subject;

To strive to secure the thorough enforcement of temperance laws of the Province;

To work for the suppression of evil and vice, the amelioration of the condition of the poor and needy, the

rescue and reformation of the vicious and fallen, and more particularly the remedying of those evils and vices resulting from the traffic in, and the use of, intoxicating liquors, the amelioration of the poverty and need caused thereby, and the rescue and reformation of the vicious and fallen of the female sex.

Constitution  
and by-laws.

**3.** The constitution and by-laws of the union, now in force, shall be the constitution and by-laws of the corporation.

Head office.

**4.** The head office of the corporation shall be in the city of Montreal.

Power to  
acquire, etc.,  
property.

**5.** The corporation may acquire, take, hold and possess, for its own use, moveable and immovable property, and it may sell, alienate, hypothecate and dispose of the same, and acquire others instead thereof, provided the annual revenue therefrom does not exceed the sum of five thousand dollars.

Value  
limited.

Certain  
articles of R.  
S. Q. to apply.

**6.** Articles 3096 to 3104 of the Revised Statutes of the Province of Quebec shall apply to the corporation, unless incompatible with this act.

Coming into  
force.

**7.** This act shall come into force on the day of its sanction.

## CAP XCVI.

An Act to incorporate the "Montreal Exposition Company."

[Assented to 2nd April, 1890]

Preamble.

**WHEREAS** L. H. Massue and others, hereinafter named, have, by their petition, prayed that a company be incorporated for the purpose of promoting industries, arts and sciences generally, and of establishing and holding agricultural, industrial, art and other exhibitions at the city of Montreal or vicinity, and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## TITLE FIRST.

### INCORPORATION OF THE COMPANY.

Certain per-  
sons incorpo-  
rated.

**1.** The Honorables James K. Ward and Louis Tourville, and Messrs. Louis Huet Massue, Raymond Prélontaine, Jos.

Barsalou, Duncan McEachran, Alexander Allan Stevenson, Charles Chaput, Samuel Cottingham Stevenson, and others who may become shareholders in the corporation hereby created, shall be a body politic and corporate, by the name of the "Montreal Exposition Company" hereinafter called the company, and, by that name, shall and may have perpetual succession, and a common seal with the power to break and alter the same, and may sue and be sued.

2. The said company shall have their principal place of business at Montreal, but may open such office or offices at such places as may be found necessary or convenient for the purposes of their business.

3. The company shall be managed by a board of directors, not more than fifteen in number, nor less than nine.

They shall be elected,—with the exception of those named in article 4, who shall remain in office until replaced under this act,—at the annual meeting of the shareholders.

4. L. H. Massue, the Honorable J. K. Ward, Raymond Préfontaine, Joseph Barsalou, D. McEachran, the Honorable Louis Tourville, A. A. Stevenson, Charles Chaput, and S. C. Stevenson, shall be the provisional directors of the company, with all powers necessary for its organization and operation, and shall hold office until the election of directors.

5. The capital stock of the company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each.

The said capital may be increased to two hundred thousand dollars by a resolution of the majority of the shareholders, adopted at a meeting held for that purpose.

6. Before the directors of the company undertake the holding of any exhibition or commence the operations contemplated by this act, at least fifty thousand dollars of its capital stock must be subscribed and ten per cent thereof paid into the hands of the secretary-treasurer.

## TITLE SECOND.

### POWERS OF THE COMPANY.

7. The company is hereby authorized and empowered :  
1. To hold agricultural, industrial, or art exhibitions either permanently or periodically, in structures, buildings, etc.

ings, enclosures, and places located in the city of Montreal or vicinity, suitable for exhibition purposes of any and every variety of thing and being in the animal, vegetable and mineral kingdoms, of any and every product, ware, goods, merchandize, machinery, mechanical invention and improvement of whatsoever nature, name and kind, and of works of art ;

To exhibit  
horses, etc.;

2. To exhibit and develop the points and qualities of the several breeds of horses and other animals, by such competitive tests as may be humane, proper, and expedient ;

To hold, etc.,  
real property,  
etc.;

3. To hold, own, and acquire, by lease, purchase, gift or otherwise, real or personal property, on such terms and conditions as may be agreed upon, and to improve and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper for the above mentioned purposes ;

To sell, etc.,  
property.

4. To sell, mortgage, lease, or otherwise dispose of any property or effects, at any time, held by the company.

Company  
authorized :

8. The company is authorized upon such terms and conditions and for such purposes as the board of directors may deem best :

To charge  
fees to exhibi-  
tors ;  
To give  
prizes ;

1. To charge fees for the exhibition of anything referred to in this act ;

2. To award, give and pay prizes, medals and honorary distinctions to exhibitors ;

To let stalls,  
etc. ;

3. To let or lease stalls, stands, rooms and places in any of the buildings or structures, or in any part of its grounds and property during the holding of said exhibition and during any other time ;

To charge en-  
trance fee to  
grounds, etc.

4. To charge an entrance fee for the admission of sight-seers or others.

### TITLE THIRD.

#### POWERS OF THE DIRECTORS.

Power to  
make by-laws  
for :

9. The directors shall have full power to make all by-laws, contracts, rules and regulations, not inconsistent with the provisions of this act, for :

Management :

1. The general management of the company ;

Securing cash  
fund ;

2. The securing of the cash fund hereinafter mentioned ;

Acquisition of  
exhibition  
grounds ;

3. The acquisition of exhibition grounds and buildings by purchase, lease, agreement or otherwise ;

Selling, etc.,  
same ;

4. The selling, leasing and mortgaging, or otherwise disposing of the same, as occasion may require ;

Acquiring  
property ;

5. The acquisition, management, sale and disposal of all property, whether real or personal ;

6. The entering into any and all arrangements, agreements, contracts with any person, or corporation, society or association, as the same may become expedient, for the carrying out of the objects of the company ;

7. The holding of exhibitions, annual or periodical ;

8. Fixing the time for the annual meeting and the calling of general, special and other meetings of the association ;

9. The appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the association ;

10. The admission fees to be received from persons visiting the exhibitions ;

11. The entrance fees to be charged exhibitors ;

12. The general management of exhibitions ; and

13. May do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers incident to the company.

All such by-laws shall be considered as forming part of this act, as soon as they are approved by the Lieutenant-Governor in Council.

10. Licenses for the sale of wine, beer and spirits, within the exhibition grounds and within a distance of two hundred yards from the same, shall be granted by the Government (but only for the time during which exhibitions are held) on the recommendation of the Montreal Exposition Company ; and neither the municipality in which their exhibitions are held nor any adjoining municipality shall have the power to grant licenses within the enclosure for exhibition purposes or within the distance prescribed from the same, viz : two hundred yards, except in the case of yearly license, within the distance mentioned outside the exhibition grounds, which may have been granted at least three months previous to the holding of the exhibitions.

The rate for each license shall be twenty-five dollars which sum shall be paid to the Provincial Treasurer who will cause the necessary license to be issued

11. If any person wilfully injures or destroys any property within the exhibition grounds, or hinders or obstructs the officers or servants of the said company, or policeman or constable duly appointed as aforesaid in the execution of his duty, or gains admission to the grounds, contrary to the rules of said company, he shall be liable to a fine of not less than one or more than twenty dollars; said fine to be enforced and collected, in the city or municipality nearest to which the exhibition is held, as fines are usually collected ; and in default of payment,

**Imprisonment in default of payment.** the said offender shall be imprisoned in the common gaol for a period of not more than thirty days.

**Gambling may be prohibited.** **12.** The officers or committee having the management of any such exhibition shall, by their rules and regulations, prohibit and prevent all kinds of gambling on or within three hundred yards of the exhibition grounds.

**Regulation of hucksters, etc.** They may regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandize, in or within the exhibition grounds.

**Removal, &c., of persons offending.** Any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables and to be subject to the penalty prescribed by the next preceding article.

**Entrance fees to grounds and control of sale of refreshments, etc.** **13.** The said company is empowered to charge and collect entrance fees to its grounds and to control, within the limits of the land owned or leased by it, the right to sell refreshments, food or comestibles of any kind.

**Power to receive grants from agricultural societies. Such societies authorized to make such grants.** **14.** It shall be lawful for the said company to receive, from existing agricultural societies organized under the general act for the Province of Quebec, the whole or any portion of their annual grant; and the said agricultural societies or any of them are and is hereby specially authorized and empowered by the vote of its directors to donate or transfer to the said company the whole or any portion of its annual grant, from year to year, upon such terms and conditions as may be mutually agreed upon between the said society and the said association.

**Conditions thereof.**

**Executive committee.** **15.** The said directors may from among their own number, select and appoint an executive committee, and give to such committee, from time to time, as full and ample power as the united body of directors itself possesses; but may revoke said power at any time, upon a majority vote of a regularly convened meeting of the said directors.

**Powers may be revoked.**

**Provisions as to subscription by city of Montreal** **16.** Notwithstanding any clause in the charter of the city of Montreal, the said city may grant to the said Exposition company the sum of ten thousand dollars for the current year.

## TITLE FOURTH.

### ISSUE OF DEBENTURES.

**Company may issue debentures to certain amount.** **17.** The company shall have the right, subject to the approval of the Lieutenant-Governor in Council, to issue debentures to an amount not exceeding its capital stock, bearing interest and secured, without registration, by

special mortgage on the whole or any part of the grounds, buildings or moveable effects belonging to the company.

But the said debentures shall not be issued without the sanction of the board of directors, given at a meeting specially called for that purpose, and of the majority of the shareholders present at a meeting likewise specially summoned.

## TITLE FIFTH.

### AGREEMENTS WITH THE GOVERNMENT

18. The company is hereby empowered to lease from the Provincial Government, for the space of eighteen years, at a rental of one dollar a year, the grounds known as the " Mile End Exhibition Grounds " containing about thirty-five arpents, more or less, in superficies, and bounded to the south by Mount Royal Avenue, to the east by Saint Urbain street, to the west by Bleury street, and to the north by a projected street ; the said grounds designated as number fourteen of the official plan of Côte St. Louis, and upon which stands erected, amongst other buildings, the building known as the Crystal Palace, subject however to the following conditions :

1. The company shall bind itself to hold exhibitions in the city of Montreal or in the neighbouring municipalities, at least every two years, or at any other times which may be fixed by the Lieutenant-Governor in Council ;

2. The company shall keep the buildings insured against fire for an amount to be determined by the Commissioner of Agriculture and Colonization, not exceeding fifty thousand dollars, and shall transfer the same to the said government ;

3. The Commissioner of Agriculture and Colonization of the Province, the president of the Council of Agriculture, and the president of the Council of Arts and Manufactures, shall, *ex-officio*, be of the number of the directors of the company.

The Commissioner of Agriculture and Colonization may be represented, in his absence, at the meetings of the said board by an officer of his department ;

4. The company shall make an annual report of its operations to the Department of Agriculture and Colonization.

19. Considering that the company is incorporated in the public interest, it is exempted from all commercial taxes and from the payment of all other taxes actually imposed or which may be imposed by the Government or municipalities, including the school taxes.

Government  
authorized to  
carry out, by  
notarial deed,  
provisions of  
certain order  
in council.

**20.** The government of the Province is hereby empowered to complete, by a notarial deed, the arrangement contained in an order in Council of the nineteenth of December, 1889, approved by the Lieutenant-Governor on the twentieth of December, 1889, of which a copy forms part of this act.

## TITLE SIXTH.

### AGREEMENTS WITH MUNICIPALITIES.

Municipal  
councils may  
aid company.

**21.** The municipal council of any city, town, village, county, parish or township, in this Province, may, by resolution to that effect, grant, money or land in aid of the company or may lend or grant a bonus or bonuses out of any moneys belonging to the said municipality, and may effect such loan or grant such aid, upon such terms and conditions as may be agreed upon between the company and the council of the said municipality making such loan or granting such aid; subject to the general laws of this Province, and to the special charters of such municipalities.

Proviso.

Certain agree-  
ments re-  
specting hold-  
ing exhibi-  
tions, etc.,  
may be en-  
tered into  
between  
company and  
county coun-  
cils.

**22.** The county council of any municipality and the company or the directors thereof, are hereby respectively authorized to make and enter into any agreements or covenants relating to the holding of any exhibition and granting and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purposes of the said company, and for the representation of such municipality in the company by the appointment of certain members of the council thereof as representatives to the company; and every such council may pass by-laws for all and every of the purposes aforesaid, and in furtherance of the objects contemplated by this act as occasion may require.

## TITLE SEVENTH.

### MISCELLANEOUS PROVISIONS.

R. S. Q., art.  
5164 to apply  
for expropria-  
tion purposes.

**23.** Article 5164 of the Revised Statutes of the Province of Quebec shall apply to this act and form part thereof, in the event of it being necessary for the company to take proceedings for taking possession of property which may be advantageous to the company for its purposes.

Authoriza-  
tion required  
before pro-  
ceeding to  
expropria-  
tion.

The company, however, before proceeding to any expropriation of land, will have to obtain the authorization of the Lieutenant Governor in council to that effect.

**24.** The act relating to joint stock companies of the Province of Quebec shall apply to the present act, in so far as it is not contrary to the dispositions of this act.

R. S. Q., art. 4651 to 4663 also apply if not inconsistent.

**25.** This act shall come into force on the day of its sanction.

Coming into force.

### SCHEDULE.

*Copy of the report of a Committee of the Honorable Executive Council, dated 19th December, 1889, approved by the Lieutenant-Governor on the 20th December, 1889.*

No. 648.

#### RESPECTING THE MONTREAL EXPOSITION ASSOCIATION.

The Honorable the Commissioner of Agriculture and Colonization, in a report bearing date nineteenth December, 1889, exposeth :

That Messrs. L. H. Massue, of Varennes, Dr McEachran, of Montreal, and Raymond Préfontaine, of Montreal, intend petitioning the Legislature of Quebec to incorporate them along with other persons under the name of the " Montreal Exposition Association " with a capital stock of one hundred thousand dollars (\$100,000.00), with power to increase it to two hundred thousand dollars, (\$200,000.00), with the object of holding provincial or other exhibitions in the city of Montreal or its vicinity ;

That the said association intends to rent from the government for a term of eighteen (18) years, at a rent of one dollar (\$1.00) per annum, the land known under the name of Mile End Exhibition Grounds, containing about thirty-five arpents, more or less, in superficies, bounded on the south by Mount Royal Avenue, on the east by St. Urbain street, on the west by Bleury street, and on the north by a projected street, the said land known and designated under No. 14 of the official cadastre of Côte St. Louis, and upon which is erected the building heretofore known under the name of Crystal Palace ;

That the other conditions which the said association is prepared to make with the Government are the following, namely :

#### THE ASSOCIATION AGREES

1. To hold exhibitions in the city of Montreal or neighbouring municipalities situated on the Island of Montreal, at least once every two years ;

2. To keep the buildings insured for a sum to be agreed upon between it and the Commissioner of Agriculture and Colonization, not to exceed fifty thousand dollars (\$50,000.00), and to transfer the said insurance policy to government ;

3. The operations of the association to be conducted by a board of directors of not more than fifteen members nor of less than nine ; of which number the Commissioner of Agriculture and Colonization, and the President of the Council of Arts and Manufactures shall form part, with power to be represented in case of absence ;

4 To make an annual report of its operations to the Department of Agriculture and Colonization.

In consideration of the object of the association and of the results to be derived therefrom, in the public interest, the government shall be bound, if such an association is incorporated by statute :

1. To pay to said Association the sum of twenty-five thousand dollars (\$25,000.00), to repair the present buildings erected on the said grounds, this sum to be accepted as being sufficient to put the said buildings in a thorough state of repair ; the said buildings to be accepted in their present state, and kept during the whole of the present lease in a perfect state of repair, including tenant's and landlord's repairs.

2. The Government shall ask, in the estimates for the next fiscal year, for the sum of ten thousand dollars (\$10,000 00), as an aid to the said association to hold a provincial exhibition in the city of Montreal, during the year 1890 ; the said sum, however, to be paid to said association only on condition that the city of Montreal shall contribute at least an equal sum for the same object ; and in order to assist the said association to make the necessary preparations for the exhibition, and should this sum be voted, the Government will pay it to said association not later than the 30th of July next.

3. The government shall exempt the said association from the tax on commercial corporations, and from all other taxes presently imposed, or that may be imposed by the Government, and shall permit, in the act of incorporation of said association, the introduction of a clause exempting it from all other municipal, school or other taxes whatsoever.

It should also be agreed between the Government and the said association :

1. That, for five years from this day, the said association shall have the right to purchase the premises leased, according to their actual value, without taking into account the fact that the exhibitions shall not be held there, the value to be established by arbitration, as provided by the Civil Code of Procedure, on condition, however, that the

purchase price shall be used to buy other grounds and to construct other buildings, for the same purposes of exhibitions; the whole with the consent of the Government, and on the express condition that such purchase price shall be kept in favor of the Government as a privilege of *bailleur de fonds* on the properties purchased, but without interest until the expiration of the lease, but with interest thereafter, the Government debt being then payable and due;

2. Notwithstanding what has been said above, should the association purchase the premises leased to sell them again, in order to purchase new grounds for exhibition purposes, it shall be agreed that the whole amount realized by the association from the sale of the premises leased, should it exceed the amount fixed by the arbitrators, shall be applied to the purchase of grounds and to the erection of buildings for the same object, to form part of the debt of the Government;

3. Should the premises leased not be thus purchased by the association, but that the association should erect new buildings, with the consent of the Government, the said Government, at the expiration of the lease, agrees to pay the value of the said buildings, according to the value which shall be established by arbitrators, as mentioned above, taking into consideration the value of the buildings demolished to be replaced by new ones, in such manner that Government shall only pay the increased value.

4. The lease shall be tacitly continued, from year to year, unless the Government shall give one year notice of their intention to discontinue the same.

5. The Commissioner of Agriculture and Colonization is authorized to sign for the Government a deed in the sense of the present report, with power to make such changes in the form as may be required.

Certified

(Signed) GUSTAVE GRENIER,  
Chief Clerk of the Executive Council

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CAP. XC VII.

An Act to incorporate the "Workmen's Association of Levis."

[Assented to 2nd April, 1890.]

WHEREAS there exists in the town of Levis, in the Preamble.  
county of Levis, an association known as the

"*L'Association des Ouvriers de Lévis*," organized for the purpose of improving the social, intellectual and physical condition of workmen by the establishment of libraries, reading rooms, lectures, discussions, night schools, and by all means suitable for attaining that end ;

Whereas it has become necessary, for the proper working and prosperity of the said association, that it should enjoy the rights, privileges and powers of a corporation ;

Whereas the members of the said association have, by their petition, prayed that it be incorporated, and it is expedient to grant their prayer ;

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## TITLE I.

### INCORPORATION OF THE ASSOCIATION.

Certain persons incorporated.

1. Alfred Bolduc, Joseph A. Martineau, Stanislas Beaulieu, Albert Ruel, Joseph Charbonneau, of the town of Lévis, Félix Bégin, Jean Baptiste Beaulieu, Damase Couture, Edouard Huppé, Joseph Marcoux, Xavier Beaulieu and Edouard Barras, all of the village of Bienville, and Simon Murphy and Elzear Servan, of the village of Lauzon, together with such other persons as now are or may hereafter become members of such association, are constituted a body politic and corporate, under the name of the "Workmen's Association of Lévis."

Name.

Head office.

Place for holding meetings.

2. The head office and principal seat of business of the corporation shall be in the town of Lévis, and the regular general, or other meetings, convened in accordance with the by-laws of the association, shall be held at the said head office of the corporation.

Present rules etc., of association to remain in force. Proviso.

3. The present rules, regulations and by-laws of the association shall remain in force until they be amended, repealed or replaced ; provided they are not incompatible with the laws of this Province.

Present officers continued in office.

The present officers shall remain in office until they are replaced in virtue of this act and of the by-laws.

## TITLE II.

### POWERS OF THE CORPORATION.

#### § 1.—General powers.

Power of corporation :

4. The corporation hereby incorporated has perpetual succession and it may :

To sue, etc. ;

1. Sue and be sued before the courts of justice ;

2. Contract, bind itself and others towards itself within the limits of its powers ; To contract, etc.;

3. Acquire, accept, receive, by any title whatsoever, gratuitous or onerous, *inter vivos* or by will, all moveable property and also all immoveable property to an amount yielding an annual revenue of four thousand dollars at the most ; To acquire, etc., property; Value of real estate limited;

4. Lease, sell, pledge or otherwise dispose of the said moveable property and lease the said immoveables, which, however, cannot be hypothecated, sold or otherwise mortgaged or alienated except with the consent of three-fourths of the directors of the corporation and that of the majority of the active members present at a meeting specially convened for the purpose by a notice given to each member at least fourteen days before the date of the meeting ; mention of such consent shall be made in the minute-book of the proceedings of the corporation ; To lease, etc., property; Proviso as to mortgaging, consent required.

5. Sign, issue, draw, endorse, transfer, give, accept or receive notes, debentures, securities and other titles or values, whether negotiable or not, in the fulfilment of the powers, rights and privileges conferred upon it by this act and of the duties and obligations which devolve upon it. To sign, etc., notes, etc.;

6. Exercise generally all the powers conferred upon corporations and necessary for attaining the ends assigned to it by this act. To exercise powers generally.

§ 2.—*Power to pass by-laws and other powers.*

5. Three-fourths of the members, present at a general meeting convened and held in accordance with the by-laws of the corporation, have the power to pass all by-laws and regulations, not incompatible with the laws of the country, with reference to the following : Power to pass by-laws at certain meetings, for certain purposes.

1. The interests, the proper administration and internal economy of the corporation ;

2. The management of its property and affairs ;

3. The admission and exclusion of members ;

4. The determining of the monthly and other contributions to be paid by members ;

5. All other objects generally within the powers of the corporation.

Such majority may, by such by-laws, impose fines, not exceeding five dollars for each contravention.

6. They may amend, repeal and replace the by-laws of the association in force at the time of the coming into force of this act, and also those which may be passed in virtue of this act. Power to amend by-laws, etc.

7. The same majority is further authorized to adopt any measure and perform any act in connection with the Power to adopt measures in

connection  
with manage-  
ment.

management of the corporation and the administration of its affairs ; regard being had to the regulations, by-laws, acts and provisions in force.

Provide by by-  
laws for ap-  
pointment of  
attorneys, etc.

8. It may also, by by-law, provide for the appointment of attorneys, administrators, officers, delegates and servants necessary for the working of the corporation and the management of its affairs, and allow them a suitable remuneration.

Power to bor-  
row money to  
build on pro-  
perty at Levis  
conceded by  
Government.

9. The corporation is authorized to borrow the necessary amount for erecting a building on the lot of land at Levis, conceded to the association by the executive of this Province.

### TITLE III.

#### MISCELLANEOUS PROVISIONS.

Books, etc.,  
*prima facie*  
proof in suit  
between cor-  
poration and  
members.

10. The books, registers, by-laws, rolls and other documents belonging to the archives of the corporation, as well as copies of and extracts therefrom, certified to be exact by the president and secretary of the corporation are *prima facie* evidence of their contents, in any contestation between the corporation and any of its members.

Members  
competent  
witnesses.

11. Every member is a competent witness in any suit in which the corporation is a party, provided there be no other cause of incapacity or objection.

Withdrawal of  
members.

12. Any member may withdraw from the corporation by complying with its by-laws.

Return to  
Legislature.

13. The corporation shall, each year, within the first twenty days of the session, transmit to the Legislature a report containing a general statement of its affairs.

Coming into  
force.

14. This act shall come into force on the day of its sanction.

### CAP. XCVIII.

An Act to amend the charter of the Montreal Warehousing Company.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the Montreal Warehousing Company has, by its petition, prayed for amendments to its charter and the acts amending the same, to wit : 24 Vict., chap. 48 ; 37 Vict., chap. 57 ; and 44-45 Vict., chap. 77 ; and whereas

it is expedient to grant the same ; Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** On and after the day of the sanction of this amendment, the ordinary capital stock of the company is hereby reduced to two hundred and forty thousand dollars, consisting of two thousand four hundred shares of the par value of one hundred dollars each ; and the holder of every five of the present shares shall hereafter have but one share, and such share shall be of the par value of one hundred dollars. Capital reduced. Effect upon shareholders.

In case of persons holding numbers of shares not divisible by five, and with whom no arrangements can be made, such holders shall transfer such odd present shares to the company, who shall make up shares in blocks of five to make one share authorized by this act, sell the same by public auction, and divide the proceeds proportionately among the parties contributing. Fractional shares.

**2.** Section 2 of the act 37 Victoria, chapter 57, is amended by adding thereto the following words : 37 v., c. 57 s. 2 amended.

" And may, from time to time, renew, exchange, cancel or re-issue such mortgages, bonds, instruments or debentures, subject, however and without prejudice to the rights of holders thereof." Powers respecting bonds, etc.

**3.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XCIX.

An Act to amalgamate the Dominion Lime Company and the Dudswell Lime and Marble Company.

[Assented to 2nd April, 1890.]

**WHEREAS** the shareholders of the Dominion Lime Company, and of the Dudswell Lime and Marble Company have petitioned for the amalgamation of the two companies, for an increase of the capital stock and other purposes, and the terms of such amalgamation have been duly ratified at a special general meeting of the shareholders of the said companies duly called for that purpose, and it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows : Preamble.

**1.** This act may be cited as "The Dominion Lime Company Act." Citation of act.

Certain com-  
panies amal-  
gamated.

Name.

Powers.

**2.** The Dudswell Lime and Marble Company, incorporated by letters-patent, on the thirty-first day of March, one thousand eight hundred and eighty-four, and the Dominion Lime Company, incorporated by the act 50 Vic., chap. 68, are declared to be amalgamated, and to form one company under the name of the "Dominion Lime Company"; and, under that name, the shareholders in the two companies, thus amalgamated, shall form a body corporate and politic, and as such corporation shall have and enjoy all the powers, rights, privileges and immunities conferred by the laws of this Province affecting joint stock companies.

Provisional  
directors of  
new company.

Powers.

**3.** Until the election of directors, which shall take place at the first annual meeting of the shareholders, to be held as hereinafter provided, the following stockholders in the amalgamated companies shall be the provisional directors of the new corporation, to wit:—Hon. J. G. Robertson, William B. Ives, Francis P. Buck and Thomas J. Tuck, all of the city of Sherbrooke, Rufus Henry Pope, of Cookshire, all of the Province of Quebec, and Hon. Frank Jones, of the town of Portsmouth George Vandyke, of the town of Lancaster, both in the State of New Hampshire, and Charles A. Sinclair and James P. Cook, both of the city of Boston, in the State of Massachusetts.

The board so constituted shall have all the rights and powers, and enjoy all the privileges conferred by law on a board of directors elected by the shareholders.

General meet-  
ing for  
election of  
directors.

Head office.  
Place for  
annual meet-  
ings.

Notice calling  
such meet-  
ings.

Notices of  
other meet-  
ings.

**4.** The general meeting of the shareholders for the election of directors shall take place on the first Tuesday in June, of each year.

The head office of the company shall be at the city of Sherbrooke, but the annual meeting of shareholders may be held at such place as may be specified in the notices calling the meeting.

Such notice shall be inserted in, at least, one newspaper published in the city of Sherbrooke for two weeks before the day of meeting.

Notices of other meetings of the shareholders shall be published and given in the manner prescribed by the by-laws of the company.

Capital stock.  
Shares.

Increase  
thereof.

Issue of such  
stock.

**5.** The capital stock of the company shall be four hundred thousand dollars, divided into four thousand shares of one hundred dollars each; but such capital stock may be increased to any amount not to exceed one million dollars, as a majority of the shareholders, at a meeting called for that purpose, may agree upon; and such stock shall be issued and paid up as the directors may determine.

**6.** The present holders of stock in the two amalgamated companies shall be entitled to and receive two hundred dollars of stock in the new company for each one hundred dollars of stock held by them in either of the amalgamated companies.

Shares to be held in new company by shareholders of old companies.

**7.** The assets, rights, actions, privileges, hypothecs, mortgages, franchises and property, moveable and immovable, of the two amalgamated companies, are hereby vested in the new company, which shall assume and discharge all the liabilities of the amalgamated companies.

Certain assets, etc., vested in new company, etc.

**8.** The Dominion Lime Company as reconstructed and reincorporated, shall have and exercise all the powers, rights, privileges and franchises conferred on the companies hereby amalgamated, and on either of them by letters-patent, and by special acts of this Legislature

Powers of new company, etc.

**9.** The board of directors shall be composed of nine directors, five of whom shall be a quorum; and they shall elect from their number, each year, a president and vice-president.

Board of directors. Quorum. President and vice-president.

**10.** This act shall come into force on the day of its sanction.

Coming into force.

# C A P. C.

An Act to incorporate the "Montreal South and Longueuil Company."

[Assented to 2nd April, 1890.]

**WHEREAS** Georges Wilfrid Parent, real estate agent, Michael Carroll, burgess, Georges Joseph Parent, medical student, Michael Daniel Carroll, accountant, and Raymond Préfontaine, advocate, all of the city of Montreal, in the Province of Quebec, have, by their petition, prayed to be incorporated for the purpose :

Preamble.

1. Of establishing and maintaining in the parish of Longueuil at the said place, Montreal South, and its vicinity a system of water-works and of lighting by gas or electricity ;

2. Of establishing and maintaining at the same places surface or elevated tramways driven by electricity or cable, with power to cross the non-navigable portion of the river St. Lawrence between Longueuil and St. Helen's Island by an iron bridge or a bridge of masonry resting on the bottom of the river ;

Whereas it is expedient to grant the prayer of their petition ; Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## TITLE I.

### INCORPORATION OF THE COMPANY.

Certain persons incorporated.

**1.** The said Georges Wilfrid Parent, Michael Carroll, Georges Joseph Parent, Michael Daniel Carroll and Raymond Préfontaine, together with all such other persons as shall become shareholders in the company hereby incorporated, are constituted a corporation, under the name of the " Montreal South and Longueuil Company."

Name.

R. S. Q., art. 4651 to 4693 to apply unless inconsistent.

**2.** The company is subject to the operation of the general law governing joint stock companies contained in articles 4651 to 4693, inclusively, of the Revised Statutes of the Province of Quebec, except where the same may be derogated from or be inconsistent herewith.

## TITLE II.

### CAPITAL STOCK.

Capital stock. Shares.

**3.** The capital stock of the company shall be two hundred thousand dollars, divided into shares of twenty dollars each, which shares shall belong to the various persons who subscribe to the capital stock, to their representatives and assigns.

Increase of capital stock by by-law.

**4.** After the capital stock is allotted and paid up in full, the directors of the company may pass by-laws to increase the capital stock to such amount as they may deem necessary, for better promoting the undertaking of the company ; but not to exceed five hundred thousand dollars.

Sanction required for such by-law.

Such by-laws shall have effect only after having been sanctioned by a vote of the shareholders, representing at least two-thirds of the shares, at a general meeting of the company regularly called for the purpose of considering such by-laws ; and after a duly certified copy thereof has been filed in the office of the Provincial Secretary or of any officer designated for that object by the Lieutenant-Governor in council.

By-law what to contain.

**5.** Every by-law for increasing the capital of the company must set forth the number and the value of the shares of the new stock.

It may order the manner in which it shall be allotted, in default whereof the control of such allotment shall rest entirely with the directors.

**6.** Within the six months after a duly authenticated copy of the by-law has been filed in the office of the Provincial Secretary or the officer mentioned in article 4, the company may apply for the publication of a notice, under the signature of the Provincial Secretary or any other competent officer, inserted in the Quebec Official Gazette, that such by-law has been passed and filed as aforesaid, setting forth the number and amount of the shares of the new capital, the amount already subscribed and that paid up on such capital.

Publication of notice that by-law has been passed.

From and after the date of such notice, the new capital stock becomes subject to all the provisions of the law governing the stock firstly subscribed, in so far as such provisions are applicable.

Effect on new stock.

### TITLE III.

#### DIRECTORS.

##### SECTION I.

##### PROVISIONAL DIRECTORS.

**7.** The persons mentioned in article 1 of this act are constituted a board of provisional directors of the company

Provisional directors.

**8.** Three of them constitute a quorum of the board.

Quorum.

**9.** The provisional directors remain in office until the first election of directors under this act.

Term of office.

**10.** They may open stock-books for subscriptions to the capital stock, and their powers extend to everything connected with the subscriptions, the organization of the company and the management of its affairs.

Powers.

**11.** As soon as they have received subscriptions, to the amount set forth in article 15 of this act, they shall call a meeting of the shareholders for the election of directors, as provided in the said article 15.

Meeting to be called for election of directors.

##### SECTION II.

##### BOARD OF DIRECTORS.

**12.** The board of directors consists of five members. This number may be increased by a vote of two thirds of the shareholders.

Composition of board. Increase in number.

**13.** The majority of the members constitutes a quorum of the board

Quorum.

Qualification  
of directors.

**14.** No one can be elected a director unless he holds, in his own name or in trust, at least ten shares of the capital stock and has paid up all calls thereon.

When first  
meeting shall  
be called for  
election of  
directors.

**15.** As soon as they shall have obtained subscriptions to the amount of fifty thousand dollars of the capital stock, and ten per cent thereon has been paid up and deposited in an incorporated bank doing business in the city of Montreal, the provisional directors shall call a general meeting of the subscribers in the city of Montreal, for the purpose of electing the directors of the company.

Election of  
directors.

**16.** At such general meeting, the shareholders, present in person or represented by proxy, shall elect the directors of the company, who shall be elected by the majority of shares represented by the shareholders who have voted.

First directors  
and term of  
office.

**17.** The persons selected shall be the first directors and shall remain in office until the election of directors to be held, in accordance with the following article, at the first annual meeting of the company or afterwards

Subsequent  
directors,  
when and how  
elected.

**18.** The subsequent directors shall be elected at a general meeting of the shareholders, at the time and place and in the manner prescribed by the by-laws.

Commence-  
ment of ope-  
rations of  
company.

**19.** The directors cannot commence the operations of the company before the first annual meeting has taken place.

Explorations,  
etc.

They shall confine themselves to explorations and other temporary or preparatory operations.

## TITLE IV.

### POWERS OF THE COMPANY.

#### SECTION I

##### GENERAL POWERS.

General  
powers of  
company.

**20.** The company hereby incorporated has perpetual succession and may :

Sue ;

1. Sue and be sued before the courts of justice ;

Contract, etc ;

2. Contract and bind itself and others towards itself, within the limits of its powers ;

Acquire, etc.,  
property ;

3. Acquire, accept, receive by any title whatsoever, gratuitous or onerous, *inter vivos* or by will, all moveable and immoveable property ; and lease, sell, pledge or otherwise dispose of the same ;

Seal ;

4. Have a seal which it may alter at will ;

Other powers.

5. Exercise generally all the powers granted by law

and necessary for attaining the object assigned to it by this charter.

## SECTION II.

## SPECIAL POWERS.

§ 1.—*Establishment of water-works and a system of lighting.*

**21.** The company hereby constituted has power to establish water-works in the parish of Longueuil at the said place, Montreal South, and its vicinity. Establishment of water-works

**22.** The company may itself use and administer such water-works or may lease or transfer the same to other persons or companies. May work or lease same.

**23.** The administration of such water-works consists in establishing reservoirs, in putting up machinery or force-pumps and laying a net-work of pipes for distributing the water, and supplying municipal corporations, public bodies and private individuals with water for a compensation. In what consists the administration of such works.

**24.** The distribution of the water may be effected in every direction over an extent of ten miles by means of pipes, which the company shall have the right to lay under ground along the whole length of the streets and roads. How water may be distributed and to what distance;

**25.** The laying of pipes under ground cannot be effected without the permission of the municipalities, corporations or individuals interested being previously had and obtained. Permission required before pipes are laid.

**26.** The company, its representatives and assigns, may make all arrangements in this connection on the terms to be agreed upon by the contracting parties. Power to make contracts for such purpose.

**27.** The company may also construct, establish and maintain gas-works and electric apparatus, in the parish of Longueuil at the said place, Montreal South, and its vicinity, for producing the gas and electricity intended for public or private lighting or to be used as motive power. Power to construct gas-works and electric apparatus.

**28.** For effecting the transmission of gas and electricity, which transmission may be effected in every direction, over an extent not exceeding twenty miles, the company may lay underground pipes and other necessary apparatus, wires or cables on posts along all streets and roads, public or private, the consent of the corporations and municipalities interested being previously obtained. Power of company to lay pipes, wires or cables through streets, etc. Consent required

Power to  
make con-  
tracts for such  
purpose.

**29.** The company, its representatives and assigns, may make all arrangements in this connection on the terms agreed upon between the contracting parties.

How water,  
gas and elec-  
tricity shall be  
supplied.

**30.** Water, gas and electricity shall be supplied through the company or its shareholders in accordance with the agreements which may be made by the interested parties.

Powers of  
company as  
to superin-  
tendence and  
repairs.

**31.** The company shall always have the right to superintend and repair the apparatus used for the supply of water, gas and electricity; and its employees shall have the right to enter upon private property for that purpose.

§ 2.—*Construction of a tramway.*

Power to  
establish sur-  
face or elevat-  
ed tramway.

**32.** The company may establish and maintain a surface or elevated tramway at the said place, Montreal South, and its vicinity, the cars whereof may be driven by electricity or by a cable; and it is authorized to cross over the non-navigable portion of the River St. Lawrence between Longueuil and St. Helen's Island; and, for that purpose, to construct an iron bridge on trestles resting on the bottom of the river.

Build bridge  
to cross to  
St. Helen's  
Island.

Power to lay  
rails on  
streets, etc.  
Consent of  
corporation  
required.

**33.** The company may lay such tramway on all the streets or roads, public or private, in any direction whatever, to a distance not less than fifteen miles; but the consent of the municipal corporation interested shall be previously had and obtained.

Power to carry  
tramway over  
private pro-  
perty.

The tramway may, if necessary, be carried over private property and, in such case, the company is bound to pay for the damage caused.

Power to  
make con-  
tracts for such  
purpose.

**34.** The company, its representatives and assigns, may make all arrangements in this connection as to the terms to be agreed upon by the contracting parties.

How means  
of transport  
to be sup-  
plied.

**35.** Means of transport shall be supplied by the company or its assigns, in accordance with the terms and stipulations agreed upon in this respect by the parties interested.

Powers of  
company as  
to superinten-  
dence and  
repairs.

**36.** The company shall always have the right to superintend and repair the said roads and bridges; and its employees shall have the right to enter upon private property for that purpose.

§ 3.—*Miscellaneous powers.—Provisions respecting the execution of the company's works.*

Power of  
company to  
lay pipes,

**37.** The company is authorized to lay its pipes and wires under ground in the public streets, squares, lanes

and places which may be deemed necessary, from the etc., under-  
workshops of the company to the place where the elec- ground in  
tricity is to be used, provided that no unnecessary damage streets, etc,  
be caused and that traffic be as unimpeded as possible Proviso.  
while the work is being carried on, by consent of the Consent.  
municipality.

**38.** The company may also erect all necessary con- Power of com-  
structions above the soil, including, posts, piers or abut- pany to erect  
ments for supporting the bridge mentioned in article 38, necessary  
and also carry its electric wires along public roads and constructions  
highways and across the same or across all water-courses above the soil,  
in this Province, provided no inconvenience be caused to Proviso.  
the public using the roads and bridges or banks of the  
watercourses; and provided access to buildings and houses  
in the vicinity be not rendered more difficult and the  
navigation of such water-courses be not impeded.

**39.** The company shall not in any way impede public Traffic not to  
traffic nor the use of such streets, squares, roads, highways be impeded.  
and public places.

In incorporated cities, towns and villages, the company In cities, etc.,  
shall not put up any posts over forty feet in height nor posts not to be  
put up wires at a lesser height than twenty-two feet over certain  
above the level of the street, nor put up a line of posts height and  
along any street without having obtained the consent of consent of  
the municipal council. council  
required, etc.

In incorporated cities, towns or villages, the posts shall Posts to be  
be as straight and as perpendicular as possible, and those straight in  
in the cities shall be painted if the by-laws so require. cities, painted  
If required.

**40.** The company cannot cut down or injure any tree Trees not to  
in incorporated cities, towns or villages. cut down, etc.,  
in cities, etc.

The opening of the streets for the erection of posts or Opening of  
laying of wires under ground shall be effected in such streets how to  
manner as the council shall designate, and under the be effected,  
etc.  
direction of the municipal officer whom it shall appoint  
for the purpose; and the surface of such streets shall, in  
all cases, be replaced in its original condition by the  
company and at its expense.

**41.** The company cannot claim any compensation No claim for  
when, for the purpose of arresting the progress of a fire, compensa-  
the wires are cut by order of the officer in command of tion, if wires  
the firemen. cut in certain  
cases.

But, on the other hand, the company shall not, under Responsi-  
the circumstances, incur any responsibility towards the bility towards  
consumers of electricity for the interruption in the supply consumers  
of light. etc., in such  
cases.

**42.** Before commencing to lay the wires or construct Report to  
the bridge the company shall transmit to the Commissioner of Pub-

lie Works and council of municipality before works commenced. of Public Works a report of the work to be done, and a copy of such report shall also be sent to the council of every municipality in which the proposed work is to be done.

Bridge, etc., not to be commenced, etc., until plans, etc., approved and signified to company, etc. **43.** The company cannot commence the construction of the bridge, and the laying of its pipes and wires under ground until the approval of the Commissioner of Public Works has been signified to it in writing, or before the expiration of thirty days, counting from the day on which the report mentioned in the preceding article was sent to the municipal councils, even if the approval of the Commissioner has been signified in writing before the expiration of such period.

Public health and safety not to be affected by works, etc. **44.** The company is bound to construct and place its workshops, apparatus and accessories in such manner as not to affect public health or safety.

Workshops etc., to be kept in good order and subject to examination **45.** The workshops, apparatus or accessories shall be kept in a proper state and good order; they shall be subject to examination and inspection by the municipal authorities of the municipality within whose limits they are situated, after notice duly served upon the company of such inspection.

Orders given in this respect to be obeyed by company, etc. The company, its employees and workmen are bound to comply at all times with the just and reasonable orders and instructions which they shall, in this respect, receive from the municipal authorities.

Water, electricity and gas may be cut off if not paid for. **46.** If a person neglects to pay the price of the water, electricity or gas supplied him by the company, the latter may, after forty eight hours' notice, stop the supply of water, electricity or gas furnished to the person so indebted, by cutting the service pipe or wire, or by any other means which the company or its officers may deem expedient; and it may recover the amount due, with the costs incurred in stopping such electric current, gas or water, notwithstanding the contract by which it has undertaken to supply electricity, water or gas during a longer period.

Recovery of amount due.

Power to enter into buildings, etc., to remove pipes, wires, in certain cases, etc. **47.** In every case where the company has the right to cut off the water, gas or electricity from any house, edifice or building whatsoever, it may remove every wire, meter, stop-cock, lamp and all apparatus and articles whatsoever belonging to it; and, for that purpose, its employees and workmen are authorized, after giving forty eight hours' notice to the person occupying the premises, to enter into any house, edifice or building, between the

hours of nine in the morning and four in the afternoon, taking care however to give as little trouble as possible.

§ 4.—*Penal provisions.*

**48.** Whosoever maliciously and wilfully :

Those who :

1. Breaks, injures, damages or destroys any wire, machine, pipe or cock belonging to an electric circuit or gas conduit; or any instrument, meter, lamp, post, pier or abutment; or the materials connected with any machinery or other works, or apparatus or the accessories thereof; or any materials used or destined to be used by the company: in a word any object whatever belonging to the company; or

Break, etc., wires and damage company's property ;

2 Causes or induces others to cause any damage whatever to the company by obstructing or embarrassing the works of construction, maintenance or repair executed by the company; or

Induce others to damage company's property ;

3. Increases the quantity of electricity, the number of lamps or quantity of gas which the company has agreed to supply him, by increasing the number or size of the conducting wires; or by using electricity or gas after removing the apparatus belonging to the company; or by unnecessarily and carelessly using or by wasting the gas or electricity;

Increase quantity of electricity or number of lamps, etc. ;

Is liable to a fine not exceeding forty dollars for the benefit of the company hereby incorporated, in addition to the costs of suit.

Liable to penalty.

**49.** Every employee, duly authorized, may, between the hours of nine in the morning and four in the afternoon, enter any house in which water, gas or electricity is introduced, for the purpose of repairing or putting in better condition each such house, building or premises, or for the purpose of examining every meter, wire or apparatus belonging to the company or employed for electricity, gas or water.

Power of employees of company to enter houses, etc., between certain hours to repair same and to examine company's meters, etc.

If any person opposes the entrance of the employees or servants of the company into such premises or the execution of the work to be done by them, he incurs a penalty, for the benefit of the company, of forty dollars for each offence, and, in addition, a further fine of four dollars for each day such infringement lasts.

Penalty on those who refuse entrance to company's servants.

**50.** Every person or company who, without the consent of the Montreal South and Longueuil Company, connects or causes to be connected an electric wire with a wire belonging to the latter, or appropriates the use of its electric current or of its gas in any manner whatsoever, is bound to pay the said Montreal South and Longueuil Company the sum of one hundred dollars, and an addi-

Penalty for connecting wires, etc., without consent of company.

tional sum of four dollars for each day such communication shall continue.

## TITLE V.

### LOANS.

Power to  
borrow  
money.

**51.** The company is authorized, in the execution of this act, to borrow the sums of money it may deem necessary to the extent of five hundred thousand dollars.

Term of loan  
and rate of  
interest.

**52.** Such loans shall be contracted for such period of time as the company may deem expedient, and shall bear interest at a rate not exceeding eight per cent per annum.

Loans to be  
effected by  
issue of  
bonds.

**53.** The company may effect its loans by the issue of bonds or debentures, signed by the president or, in his default, by the vice-president, countersigned by the secretary and bearing the seal of the company.

Bonds how  
and when  
payable.

Such bonds or debentures shall be made payable to bearer, in currency or sterling, in the Province or elsewhere, at the dates determined by the company, with interest payable at the time therein specified.

Coupons.

**54.** Coupons may be annexed to such debentures, signed by the secretary, and payable as they respectively become due.

Form of  
bonds.  
May be called  
in, etc.

**55.** The bonds or debentures shall be in the form prescribed by any by-law of the company; they may be called in by other bonds issued in their stead.

Payment of  
sums borrow-  
ed.  
Privilege of  
bondholders.

The sums borrowed shall be paid out of the properties and revenues derived from the operations of the company.

For the payment of such bonds, if it be stipulated therein, the bearer shall have a privilege, lien or special hypothec on the said revenues; but no bondholder shall have a priority or preference by privilege over any other bondholder, whatever may be the date of the bonds or that of their registration.

Proviso.

## TITLE VI.

### EXPROPRIATIONS.

R. S. Q., art.  
5164 to apply  
to expropria-  
tions.

**56.** In case it should be necessary for the company to expropriate properties (including the bed and shores of the River St. Lawrence for the water-works) in the execution of the necessary work and for the requirements of its undertaking, the proceedings shall be had in accordance with article 5164 of the Revised Statutes of the Province of Quebec, the provisions of which form part of this charter and apply *mutatis mutandis*.

## TITLE VII.

## MISCELLANEOUS PROVISIONS.

**57.** Municipal corporations may subscribe for shares in the capital stock of the company, vote subsidies to it, either as bonuses or as loans or advances, or grant it such privileges and exemptions as it may deem expedient; provided always that such by-law, be submitted to the rate-payers.

Municipal corporations may aid company. Proviso as to submission of by-law to rate-payers.

**58.** The powers conferred by this act on the company shall lapse, if its works be not commenced within three years from the sanction of this act.

Power to lapse if works not commenced in certain time.

**59.** This act shall come into force on the day of its sanction.

Coming into force.

## CAP. CI.

An Act respecting grants to certain Railways.

[Assented to 2nd April. 1890.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts of follows :

**1.** The delays, within which certain railway companies subsidized by the Province should complete their works, and which would expire before the last day of the next session, are prolonged to that date.

Delays to complete certain railways extended.

## QUEBEC AND LAKE ST. JOHN RAILWAY COMPANY.

**2.** Section 1 of the act 51-52 Victoria, chapter 91, is amended :

51-52 V., c. 91, s. 1, amended.

*a.* By striking out in subsection *c*, the words: " Provided that the Government of the Dominion grants a similar subsidy to the said Company ; "

*b.* By substituting the words: " Ha ! Ha ! Bay " for the word " Chicoutimi " and " sixty-six miles " for " fifty-six miles " in the second, third and fourth lines of subsection *d* of the said section.

## GREAT NORTHERN RAILWAY COMPANY.

**3.** The subsidy of four thousand acres of land per mile, for a railway starting from the village of Lachute at a point of junction with the Canadian Pacific Railway, as far as the village of St. Andrews, in the county of

Grant under 45 V., c. 23, s. 1, revived in favor of Great Northern Railway Company.

Argenteuil, provided the total length of such road does not exceed seven miles, granted by subsection *g* of section 1 of the act 45 Victoria, chapter 23, is revived in favor of the Great Northern Railway Company.

LAKE TEMISCAMINGUE COLONIZATION RAILWAY  
COMPANY.

Subsidy of  
\$48,000 grant-  
ed to Lake  
Temisca-  
mingue Colo-  
nization Rail-  
way.

1. The Lieutenant-Governor in Council is authorized to grant, to the Lake Temiscamingue Colonization Railway Company, for fifteen miles of its road from Mattawa Station on the Canadian Pacific Railway towards the Long Sault, or from the Long Sault towards the said Mattawa Station, a subsidy not exceeding three thousand two hundred dollars per mile, and not exceeding in the whole forty-eight thousand dollars.

LOWER LAURENTIAN RAILWAY COMPANY.

Subsidy under  
45 V., c. 23, s.  
1, granted to  
Lower Lau-  
rentian Rail-  
way Company  
for certain  
line of road.

5. The subsidy of four hundred and eighty thousand acres of land, for a railway starting from the north end of the Piles Railway and going northwards to a point of intersection with the Lake St John Railway towards the southern extremity of Lake Edward, provided the length of such road does not exceed sixty miles, granted by the act 45 Victoria, chapter 23, section 1, sub-section *d*, may be granted to the Lower Laurentian Railway Company for its railway between Grand Piles, on the St. Maurice, and a point of junction with the Quebec and Lake St. John Railway, at or near the River à Pierre, in the county of Portneuf, provided the existing subsidy be not increased.

Conditions.

*b*. The said subsidy shall be granted to the said company, only upon its furnishing satisfactory proof that it has been reorganized in such a manner that it will be able to command the necessary capital to complete its road without delay.

VAUDREUIL AND PRESCOTT RAILWAY COMPANY.

Subsidy under  
51-52 V., c. 91,  
s. 9 for certain  
section of  
road applied  
to certain  
other section  
of Vaudreuil  
and Prescott  
Railway Co.

6. The Lieutenant-Governor in Council shall be authorized to apply, upon the first ten miles of the Vaudreuil and Prescott Railway, the subsidy of ten thousand acres of land per mile authorized to be granted to the last ten miles of the thirty miles of the said road, by the act 51-52 Victoria, chapter 91, section 9.

BAIE DES CHALEURS RAILWAY COMPANY.

Certain pay-  
ments out of  
subsidy under

7. The Lieutenant-Governor in Council shall be authorized to pay,—out of the original subsidy, under the

act 45 Victoria, chapter 23, section 1, subsection *b*, granted to the Baie des Chaleurs Railway Company, as specially authorized by the act 51-52 Victoria, chapter 91, section 12,—according to circumstances, the wages due to workmen, the amounts due to farmers for land taken for section “K” of the said railway, the amounts due to other persons having privileged claims against the said company, and to others having claims that may be fairly considered as privileged, in proportion to the amount of work performed on the said section “K,” as established by the special report of the Government engineer, although the company may not be strictly entitled to claim the same as fully earned; the whole in accordance with a resolution respecting this matter adopted, *nemine contradicente*, by the Legislative Assembly, on the fifth day of March, 1890, and provided the said amount does not exceed the sum of twenty thousand dollars.

45 V., c. 23, s. 1 § 2, 51-52 V., c. 91, s. 12, to be made to certain creditors of the Baie des Chaleurs Railway Company.

#### QUEBEC CENTRAL RAILWAY COMPANY.

8. Subsection 2 of section 1 of the act 52 Victoria, chapter 86, is repealed and replaced by the following:

“2. Before the said subsidy shall be paid, it shall be lawful for the Lieutenant-Governor in Council to appoint, and annually thereafter, one director of the said company, and such director shall have the same powers as the other directors.

52 V., c. 86, s. 1 § 2, replaced.

Payment of subsidy to be made after appointment of Government director.

The Lieutenant-Governor in Council shall, in no case, appoint any person who, in the past, has been or now is a director, officer, or paid servant or agent of the company.”

Who may not be appointed as Government director.

9. Section 2 of the said act 52 Victoria, chapter 86, is hereby repealed and replaced the following:

52 V., c. 86, s. 2, replaced.

“The Lieutenant-Governor in Council may retain, out of such subsidy, the sum of forty thousand dollars until the company's line connects with that of the eastern extension of the International Railway; and such sum shall be deducted rateably from each payment made to the company on the present subsidy.”

Certain sum to be retained until railway is connected with eastern extension of International Railway.

10. This act shall come into force on the day of the sanction thereof.

Coming into force.

C A P. C I I.

An Act respecting the conversion of land subsidies to railway companies into money subsidies.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Delays for declaration of option of conversion of land subsidy into money extended.

1. The delay granted by the act 51-52 Victoria, chapter 91, section 14, shall be prolonged to the thirtieth day of June, 1892, in favor of any railway companies who have not yet declared their option for the conversion into money of any land subsidies, not yet lapsed, that have been granted to certain railways under the acts 45 Victoria, chapter 23, 49-50 Victoria, chapter 77, 51-52 Victoria, chapter 91, 52 Victoria, chapter 86, and by any act of the present session.

Coming into force.

2. This act shall come into force on the day of its sanction.

C A P. C I I I.

An Act to incorporate "The Quebec and Boston Air Line Railway Company."

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain persons incorporated.

1. John Whyte, merchant, of Leeds village, in the township of Leeds, William Wilson, mill-owner of Wilson's Mills, in the township of Leeds, Peter Wallace Hall, farmer, of Leeds, in the township of Leeds, François Théodore Savoie, foundry manager, of the village of Plessisville, in the township of Somerset, and Andrew Whyte, merchant, of Leeds village, all said places being in the county of Megantic, in the Province of Quebec, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of the "Quebec and Boston Air Line Railway Company", hereinafter called the company.

Name.

**2.** The head office of the company shall be in the city of Quebec, or in such other place in the Province of Quebec as may be determined upon by a resolution of the board of directors.

**3.** The company may lay out, construct and operate a railway of the gauge of four feet eight and one half inches, from Lime Ridge, in the township of Dudswell, in the county of Wolfe, by any practicable route, through the counties of Wolfe, Megantic, Lotbinière and Levis, to the town of Levis, passing through the township of Leeds, in the county of Megantic.

**2.** In order to reach a deep water terminus at the town of Levis, and to avoid the expense of constructing an independent line of railway into the town of Levis, the company may make all necessary arrangements, leases and contracts with the Government of Canada, and any railway company or companies, for running powers over the Intercolonial Railway and the railway of any other company, or for any other purpose not inconsistent with articles 5128 to 5181, inclusively, of the Revised Statutes of the Province of Quebec.

**4.** The persons mentioned by name in the first section of this act are hereby constituted provisional directors of this company, with the power to act as directors until the first annual meeting of the company, and particularly to open stock books for subscriptions to the share-capital of the company, to call for instalments on the subscribed stock, and cause the same to be paid up, to issue obligations or debentures as hereunder authorized, and to commence and continue the construction and working of the said railway.

**5.** The capital stock of the company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up by the directors, from time to time, as they deem necessary; but no one call shall exceed ten per cent on the shares subscribed.

**6.** The annual meeting of the shareholders shall be held on the first Monday in September, in each year.

The first meeting shall be held on the first Monday of September, 1890, and shall be called by inserting the notice thereof for two weeks in one English and one French newspaper published in the city of Quebec.

**7.** At such meeting, the subscribers for the capital stock assembled, or represented by proxy, who have paid all calls due on their shares, shall choose nine persons, or such other number as may be fixed by by-law, adopted and

approved by the shareholders, to be directors of the company, one or more of whom may be paid director or directors of the company.

**8.** The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may borrow money to an amount not exceeding twenty thousand dollars per mile of railway and branches, and shall issue bonds, debentures or other securities therefor, which shall be signed by the president or other presiding officer and countersigned by the secretary, and said countersignature and the signature to the coupons attached to the same may be engraved; the directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue; but such power may be exercised, from time to time, upon the bonds constituting such issue being withdrawn or paid off and duly cancelled, or until the limit to the amount of bonds, debentures or other securities fixed in this act shall be reached.

**9.** The company may secure such bonds, debentures or other securities, by a mortgage deed creating, in favor of a trustee or trustees for the bondholders appointed by the directors for the purpose, such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject to the payment of the working expenditure of the railway.

**10.** The bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, subject as aforesaid to the payment of the working expenditure of the railway and save and except as provided for in the next preceding section.

**2.** Each holder of the said bonds, debentures, or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders.

**11.** If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities, hereby authorized, at the time when the same, by the terms of the bond, debenture, or other security, becomes due and payable, then, at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders, if they held fully paid-up shares of the company to a corresponding amount.

Holders of bonds to vote, etc., as shareholders, if interest or capital unpaid, and become qualified as directors, etc.

**2.** The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers, thereof, in the same manner as shares or transfers of shares.

Stipulation must be in mortgage deed, and bonds registered, otherwise bondholders cannot take advantage of this section.

**3.** The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Other recourse not barred by acting upon this section.

**12.** All bonds, debentures or other securities, hereby authorized, may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof, and, while so registered, they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Bonds how payable and transferable.

**13.** In order to preserve the priority, lien, charge, mortgage, or privilege purporting to appertain to, or created by any bond issued under the provisions of this act, it shall not be necessary that such bond shall be registered according to the provisions of the Civil Code or any other law; but it will be sufficient to have registered, in each of the registry offices of the counties traversed by the said railway, a copy of the mortgage deed to the trustee or trustees together with a certificate signed by the secretary or treasurer of the company, stating the date of the issue, and the number and amount of the bonds issued and the per centum of interest.

Bonds need not be registered to preserve hypothec, etc.

Copy of mortgage deed may be registered and it suffices.

When bonds  
may be issued  
and sold.

**14.** The said bonds may be issued and sold as soon as a definite location of the line has been adopted by a resolution passed by the board of directors, and after a copy of the plan and location so adopted has been deposited in the office of the Commissioner of Public Works of the Province of Quebec.

Company may  
become party  
to promissory  
notes, etc.

Notes, etc., to  
be binding on  
company.

To be pre-  
sumed as  
signed with  
authority.

Seal thereon  
not necessary.  
No personal  
responsibility  
incurred by  
officers sign-  
ing if author-  
ized.

Not to issue  
notes to be  
circulated as  
money.

**15.** The company may, in the transaction of its affairs, become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company or other officer authorized by the by-laws of the company, and countersigned by the secretary, shall be binding on the company; and every such note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, secretary or other officer, so authorized, be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the company, to issue any note or bill payable to bearer or intended to be circulated as money or as the note or bill of a Bank.

Power to issue  
paid up stock  
for certain  
purposes.

**16.** The directors of the company may make and issue, as paid up stock, shares in the share capital of the company, whether subscribed for or not, and may allot and hand over such stock as paid-up stock in payment of right of way, plant, rolling stock or material of any kind and also for the services of contractors and engineers; and such allotment of stock shall be binding on the company, and the paid-up stock so allotted shall be unassessable thereafter for calls.

Form of deed  
of sale for  
lands.

**17.** All deeds or conveyances of land to the company for the purposes of this act, in so far as circumstances may permit, shall be in the form of schedule A to this act annexed, or in any other form of a similar tenor.

Book to be  
supplied to  
registrars to  
register deeds  
of sale of  
lands to com-  
pany.

**18.** For the registration of all deeds of conveyance, the registrars in their respective counties shall be furnished, by and at the expense of the company, with books containing copies of the form given in the said schedule A or other form of similar tenor, one copy to be printed on each page, leaving the necessary blanks to suit the circumstances upon each separate conveyance.

Upon the production of any conveyance, the registrar shall enter the same in the said book, without any memorial, and minute the enregistration or entry on the deed. How to be registered.

The registrar may charge for all fees on such registration and entry on the deed fifty cents and no more. Fees therefor.

Such registration shall be valid in law, any statute or provision of law to the contrary notwithstanding, and it shall have, with respect to rights of ownership, servitudes, hypothecs and real rights, the same effects as the registration prescribed by the Civil Code. Effect of registration.

**19.** The company may sell or lease its line and all its franchises and property, either before or after the completion of its railway, to any railway company whatever, provided that all agreements entered into between the companies for the purchase or lease of the railway hereby authorized, have been first sanctioned by two-thirds of the votes of shareholders of this company at a special meeting called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds of the subscribed stock are present or represented by proxy. Power of company to sell line, etc. Sanction required.

**20.** Should a railway bridge at any time be built across the St. Lawrence river at or near Quebec, this company is hereby authorized to lay out and construct a railway connecting its main line with the line crossing the said bridge and to make all necessary contracts and arrangements for running powers over the said bridge and into the City of Quebec. Power to build, etc., branch line to reach bridge on St. Lawrence at Quebec if built.

**21.** The company is hereby authorized, after obtaining the sanction of its shareholders at a special meeting called for the purpose, to take stock or otherwise assist in the construction of the said bridge across the St. Lawrence river. Power of company to take stock in bridge at Quebec, etc.

**22.** The railway hereby authorized shall be commenced within two years and shall be completed within six years from the passing of this act. Commencement and completion of railway.

#### SCHEDULE A.

##### FORM OF DEED OF SALE OF LANDS.

Know all men by these presents that I, A. B., of \_\_\_\_\_ in the county of \_\_\_\_\_ for and in consideration of the sum of \_\_\_\_\_ dollars to me paid by the Quebec and Boston Air Line Railway Company, which I acknowledge to have received, hereby

grant, bargain, sell and convey unto the said the Quebec and Boston Air Line Railway Company, all that tract or parcel of land known and described as follows to wit :  
*(description)*, the same having been selected and laid out by the said company for the purposes of their railway, to have and to hold the said land and premises unto the said company their successors and assigns for ever.

Witness this hand and seal at  
 this day of  
 One thousand eight hundred and ninety

Signed, sealed and } A. B.  
 delivered in presence of } [L. S.]  
 C. D. }  
 E. F. }

#### CAP. CIV.

An Act to incorporate the "Lawrenceville and l'Avenir Railway Company."

(Assented to 2nd April, 1890.)

Preamble.

**W**HEREAS the persons hereinafter named have petitioned for the passing of an act incorporating a company authorized to construct a railway from a point at or near Lawrenceville, in the county of Shefford, to, at or near l'Avenir, in the county of Drummond, with power to build the road as far as Drummondville, in the said county of Drummond, and also with power to construct branch lines from either or both of the said points, of such length as may be deemed expedient in the public interest, and for other purposes ; and whereas it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

#### TITLE I.

##### INCORPORATION OF THE COMPANY.

Certain persons incorporated.

**1.** George Davidson, George Préfontaine and W. L. Davidson, of North Ely, Ludger Bienvenu, T. B. de Grosbois and Edouard Bousquet, of Roxton Falls, and F. H. Fontaine, Clément St. Onge, and P. J. S. Peltier, of South

Ely, all in the county of Shefford, with such other persons, corporations or municipalities as shall, under the provisions of this act, become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the "Lawrenceville and l'Avenir Railway Company."

2. The company is authorized to lay out, construct, make and finish a double or single track of railway, of such width or gauge as the company sees fit, from a point at or near Lawrenceville, in the county of Shefford, to a point at or near l'Avenir, in the county of Drummond, with power to build the road as far as Drummondville in the said county of Drummond, and to construct branch lines from either or both of the said points, of such length as the company may deem expedient in the public interest and for other purposes of the company, provided the said branch do not exceed ten miles in length.

3. The company is authorized to construct the said railway and branches in different sections in such order as it may see fit, keeping in view on the main line the general direction from Lawrenceville to l'Avenir, passing through Valcourt, North Ely and Durham.

## TITLE II.

### CAPITAL STOCK.—CALLS.

4. The capital stock of the company shall be one million of dollars, divided into ten thousand shares of one hundred dollars.

The money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this act and for making the surveys, plans and estimates connected with the said railway, and afterwards towards making, completing and maintaining the said railway and other purposes of this act.

5. Until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, city, town or township, interested in the said railway or otherwise, to pay out of the funds of such municipality, such preliminary expenses, which sums shall be refunded to such municipality from the stock of the said company or be allowed in payment of stock.

One month's notice of calls shall be given by a registered letter to each shareholder.

## TITLE III.

## PROVISIONAL DIRECTORS.

Provisional  
directors.

**6.** The said George Davidson, George Préfontaine, F. H. Fontaine, Ludger Bienvenu, T. B. de Grosbois, W. L. Davidson, Edouard Bousquet, Clement St. Onge and P. J. S. Peltier are hereby constituted a board of provisional directors of the said company, and shall hold office, as such,

Term of office. until other directors shall be appointed by the shareholders under the provisions of this act.

Powers.

**7.** They shall have power and authority, immediately after the passing of this act, to fill any vacancies which may arise in the board, to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and to commence and carry on the building and making of the said railway, and, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

## TITLE IV.

## MEETINGS OF SHAREHOLDERS.

First meeting  
for election  
directors.Notice there-  
or.Election of  
directors.Composition  
of board.Term of of-  
fice.Annual gene-  
ral meeting  
of share-  
holders.Election of  
directors  
thereat.

**8.** Notwithstanding paragraph 25 of article 5134 of the Revised Statutes of the Province of Quebec, the said directors, or a majority of them, shall, as soon as fifty thousand dollars shall have been subscribed and five thousand dollars paid in on account of such shares, call a meeting of shareholders at such time and place, as they shall think proper, giving at least two weeks' notice in one or more newspapers published in the counties through which the said railway is to pass, and by registered letter addressed to each shareholder.

**9.** At such general meeting, and at the annual general meeting in the following articles mentioned, the shareholders present, either in person or by proxy, shall elect by ballot seven directors who shall constitute a board of directors, and shall hold office until the first Wednesday in September in the year following their election.

**10.** On the said first Wednesday of September next after such general meeting, and on the first Wednesday in September in each year thereafter, at the principal office of the said company, there shall be holden a general meeting of the shareholders of the said company.

At such meeting, the said shareholders shall elect seven directors for the then ensuing year.

**11.** Public notice of such annual general meeting and election shall be published one month before the day of election in one or more newspapers published in the counties along the line of railroad, and also by registered letter addressed to each shareholder. Notice of such meeting how published, etc.

## TITLE V.

### BOARD OF DIRECTORS.

**12.** Five directors shall form a quorum for the transaction of business, and the board of directors may employ one or more of their number as paid director or directors. Quorum of board. Paid directors etc.

**13.** No person shall be elected a director unless he shall be the holder and owner of at least five shares of the stock of the company and shall have paid up all calls on the said stock. Qualification of directors.

## TITLE VI.

### TRANSFER OF LANDS.

**14.** All deeds and conveyances of land to the company for the purposes of this act, in so far as circumstances will permit, may be in the form given in schedule A of this act, or in any other form to the like effect. Deeds of sale of land to company.

**15.** For the purposes of the due enregistration of the same, all registrars in their respective counties shall be furnished, by and at the expense of the said company, with a book with copies of the form given in the said schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and shall, upon the production and proof of execution of any such conveyance, enter the same without any memorial and shall minute the enregistration of entry on the deed. Provision for registration thereof.

**16.** The registrar shall charge and receive from the said company, for all fees on every such enregistration, fifty cents and no more. Fee for registration.

Such enregistration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding. Effect thereof.

## TITLE VII.

### PROMISSORY NOTES, ETC., BONDS.

**17.** The company shall have power and authority to become party to negotiable notes and bills of exchange for sums not less than one hundred dollars. Power to become party to notes, etc.

Notes, etc.,  
binding.

**18.** Any promissory notes or bills of exchange, made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company.

Presumed to  
have been  
made with  
proper au-  
thority.

**19.** Every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary is shown.

Seal not ne-  
cessary.

**20.** In no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted.

Not to issue  
certain notes,  
etc.

Nothing in this title shall be construed to authorize the company to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Power to issue  
bonds.

**21.** The directors of the company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders present at any annual meeting in the month of September, or at any special meeting of the stockholders called for such purpose, to issue their bonds, made and signed by the president or vice-president of the said company and countersigned by the secretary and treasurer, and, under the seal of the said company for the purpose of raising money for prosecuting the undertaking.

Bonds to be  
privileged on  
company's  
property, etc.

**22.** Such bonds shall be privileged upon the property of the company, and shall bear hypothec upon the said railway without registration.

When bonds  
may be issued.

**23.** No such bonds bearing such hypothec shall be issued until after the said sum of fifty thousand dollars, as provided by this act, shall have been expended in and upon the said railway; and the whole amount raised upon such bonds shall not exceed five hundred thousand dollars.

Amount of  
bonds that  
may be issued.

## TITLE VIII.

### FREIGHT UNPAID AND GOODS UNCLAIMED.

Power of  
company to  
detain goods

**24.** In case of refusal or neglect to pay the toll or freight due to the company on any goods, it shall have

the power to detain the same until payment of such freight be made, and in the meantime such goods shall be at the risk of the owners.

**25.** If such goods be of a perishable nature the said company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable.

Sale of perishable goods.

**26.** If such goods are not of a perishable nature and shall remain unclaimed for twelve months, the company may, after giving one month's notice in two newspapers nearest the place where the goods may be, dispose of the same by public auction, and the proceeds of the sale, after paying the said freight and the cost of sale, shall be handed over to the owner, if he shall claim the same.

Sale of non-perishable goods after certain notice.

## TITLE IX.

### AGREEMENTS WITH OTHER COMPANIES, ETC.

**27.** It shall be lawful for the company to enter into any agreement with any other railway company for leasing the said railway or any part thereof or the use thereof at any time to such other company, or for leasing or hiring from such other company any railway or any part thereof or the use thereof, or for leasing or hiring any locomotive, tenders or moveable property, and generally to make any agreement with any such other company touching the use, by one or the other or by both companies, of the railroad or moveable property of either or of both, or any part thereof, or touching any service to be rendered by the one company or the other, and the compensation therefor; and any such agreement shall be valid and binding and shall be enforced by courts of law, according to the terms and tenor thereof.

Power of company to lease railway, etc.

**28.** The directors of the company elected by the shareholders, in accordance with the provisions of this act, shall have power and authority to enter into and conclude any arrangement with any other railway company, and shall have full power and authority to negotiate with any company having the chartered right of constructing a bridge or bridges across the St. Lawrence river at or near the city of Montreal, and at or near the city of Quebec, for the right of using the said bridge for the purposes of the railway and the advantage and benefit of the company hereby incorporated.

Power to conclude running arrangements, etc.

**29.** The company may also construct an electric telegraph and telephone line for the purposes of the undertaking in connection with the railway.

Power to build etc., telegraph and telephone line.

R. S. Q., art.  
5128 to 5181 to  
apply when  
not inconsis-  
tent.

**30.** The company is subject to the provisions of articles 5128 to 5181, inclusively, of the Revised Statutes of the Province of Quebec, except where they are specially derogated from or are incompatible with this act.

Coming into  
force.

**31.** This act shall come into force on the day of its sanction.

## SCHEDULE A.

### DEED OF SALE.

Know all men by these presents that, I, A. B. of..... do hereby in consideration of..... paid to me by the "Lawrenceville and l'Avenir Railway Company," the receipt whereof is hereby acknowledged, grant, bargain, sell and convey into the said "Lawrenceville and l'Avenir Railway Company" its successors and assigns all that tract or parcel of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway; to have and to hold the said land and premises unto the said company, its successors and assigns for ever.

Witness my hand and seal at....., this ..... day of..... one thousand eight hundred and ninety

Signed, sealed and delivered )  
in presence of )

A. B.

[L. S.]

C. D.

E. F.

## C A P. C V.

An Act to revive and amend the act of incorporation of the St. Johns and Sorel Railway Company and the acts amending the same.

[Assented to 2nd April, 1880.]

Preamble.

**W**HEREAS, the St. Johns and Sorel Railway Company hath represented, by its petition, that it is expedient to revive the Act 48 Vict., ch. 76, and its amendments, and to amend them in such a manner as to allow the said St. Johns and Sorel Railway Company the power of commencing the construction of its railway, on or before the thirty-first of December, one thousand eight hundred

and ninety-two, and of completing the same on or before the thirty-first of December, one thousand eight hundred and ninety-five ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The Acts of this Legislature 43-44 Vict., ch. 53, <sup>43-44 V., c. 53 ; 44-45 V., c. 38 ; 44-45 V., c. 39 and 48 V., c. 76, revived.</sup> 44-45 Vict., ch. 38, 44-45 Vict. ch. 39, and 48 Vict., ch. 76, are revived in full force and effect.

**2.** Section 21 of the said Act 43-44 Vict., ch. 53, <sup>43-44 V., c. 53, s. 21 as replaced by 48 V., c. 76, s. 2, replaced.</sup> as replaced by section 2 of the said Act 48 Vict., ch. 76, is repealed and replaced by the following :

" 21. The railway shall be commenced on or before the thirty-first day of December, one thousand eight hundred and ninety-two, and be completed on the thirty-first day of December, one thousand eight hundred and ninety-five."

**3.** This Act shall come into force on the day of its <sup>Coming into force.</sup> sanction.

## C A P. C V I.

An Act to incorporate the Buisson Point Railway Company.

[Assented to 2nd April, 1890.]

**W**HEREAS the construction of a railway, as herein-<sup>Preamble.</sup> after set forth, would be of great advantage to that part of the Province through which it would pass, as well as the Province generally ; and whereas a petition has been presented, praying for the passing of an act incorporating a company authorized to construct such railway, and it is expedient to grant the prayer of such petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Samuel Willard Foster, William Wainwright, Hono-<sup>Certain persons incorporated.</sup> rable Henry Starnes, Elie Hercule Bisson, Henry Williams, with such other person or persons and corporations as may hereafter become shareholders in the company hereby incorporated, shall be and are hereby constituted a body politic and corporate, under the name of " The <sup>Name.</sup> Buisson Point Railway Company."

**2.** The said company is vested with all the rights and <sup>Power to build, etc., certain railway.</sup> privileges necessary for the construction and working of a railway, starting from some point in the parish of St. Clément or St. Timothé, in the county of Beauharnois, to Buisson Point in the same county.

Powers conferred upon company.

**3.** The said company shall have all the powers conferred by title XI, chapter III, section XII of the Revised Statutes of the Province of Quebec, not inconsistent with the provisions of this act.

Capital stock, Shares.

Increase thereof.

**4.** The capital stock of the company shall be one hundred thousand dollars, divided into shares of fifty dollars each, but it may be increased, from time to time, by vote of the majority in value of the shareholders, present in person or represented by proxy, at any meeting convened for that purpose.

Company may receive aid.

**5.** It shall be lawful for the company to receive, as aid in the construction of the said railway, any vacant lands or other real estate or personal property, or any sums of money, either as gifts or by way of bonus, or in payment of stock, and legally to dispose of the same, and to alienate the said lands and other real or personal property, for the purposes of the company, with the authorization of a majority of the directors.

Provisional directors.

**6.** Samuel Willard Foster, William Wainwright, Honorable Henry Starnes, Elie Hercule Bisson and Henry Williams are hereby constituted a board of provisional directors of the company, and shall remain in office until other directors are elected by the shareholders under the provisions of this act.

Powers.

Such provisional directors shall have power and authority to fill vacancies which may arise in the board, to open stock books and have stock taken in the company, to call up and cause to be paid up instalments on the stock subscribed, issue bonds or debentures, to become parties to promissory notes and bills of exchange, and to commence and carry on the building and working of their railway.

Calling of first meeting for election of directors.

Notice of such meeting.

Notice of other meetings.

Composition of board of directors.

**7.** When and so soon as ten per cent of the capital stock shall have been subscribed, as aforesaid, and ten per cent of such subscriptions paid up, the provisional directors, or a majority thereof, may call a general meeting of the shareholders for the election of directors on the first Tuesday of May following, in the city of Montreal, or at any other place, at the hour specified in the notice calling such meeting, and such notice shall be inserted in a newspaper published in the district of Montreal during one month previous to the date of the meeting; the notice of other meetings of shareholders shall be published according to the by-laws of the company.

**8.** The board of directors of the company shall be composed of five directors, three of whom shall form a quo-

rum ; they shall elect two of their members as president and vice-president. Quorum.  
President and vice-president.

No one shall be elected a director unless he is the holder of ten shares of the capital stock of the company and has paid all the calls due thereon. Qualification of directors.

9. The directors, or the majority of them, may, from time to time, replace one or more directors who are deceased, or have resigned, by selecting from amongst the shareholders one or more persons duly qualified to be directors, and the directors so appointed shall remain in office until the ensuing election in May following. Vacancies in board.  
Term of office of replacing directors.

10. The chief place of business shall be in the said city of Montreal, or any other place fixed by by-law. Head office.

11. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars. Power to become party to notes, etc.

Any such promissory note or bill of exchange made or endorsed, drawn or accepted by the president or vice-president of the company and countersigned by the secretary of the company, and under the authority of a majority of a quorum of the directors shall be binding on the company. Signature thereto, etc.

Every such promissory note or bill of exchange so made shall be presumed to have been made, with proper authority, until the contrary be shown. To be deemed signed with proper authority.

In no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer of the company, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the authority and sanction of the board of directors, as herein provided and enacted. Seal not necessary.  
Officers not personally responsible, etc.

12. The directors may, at any time, call upon the shareholders for such instalments upon each share which they, or any of them, may hold in the capital stock of the company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per cent on the subscribed capital, and that one month's notice of each call shall be sent by mail to each shareholder, by means of a registered letter. Calls for shares.  
Proviso.

13. The company may amalgamate with any other railway company whose railway it may cross or connect with, and may make running arrangements for its cars and trains with any railway company. Power to amalgamate with other companies.

It is also hereby authorized to enter into any agreement with any such company to allow the running of the trains To enter into running arrangements, etc.

of any such railway company over its railway, as well as to lease or sell, assign or transfer to any railway company the whole of its road or all of its interest in such railway, or any portion thereof which shall be built, upon such conditions as the board of directors may deem expedient.

To run its  
trains over  
other roads.

The company shall also have the right to run its own trains over any other line of railway which it may intersect, provided it obtains the permission of the company interested.

Rights of  
shareholders.

**14.** All shareholders in the company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the company and to vote on the same, and be eligible to any office in the company, provided that the majority of the directors be British subjects.

Manner of  
passing con-  
tracts.

**15.** All contracts for construction or maintenance of the railway shall be passed in the manner and according to the formalities set forth by the regulations of the board of directors of the company, notwithstanding paragraph 2 of article 5176 of the Revised Statutes of the Province of Quebec.

Deeds for  
lands to com-  
pany.

**16.** All deeds for conveyance of land to the company for the purposes of the present act may, as far as circumstances permit, be in the form of schedule A, to this act annexed, or in words of like import.

Book to be  
supplied for  
registrars to  
register such  
deeds and  
what to con-  
tain.

In order that all such deeds be duly registered, all registrars, in their respective counties, shall be furnished by and at the expense of the company, with a book containing copies of the form given in the said schedule A, or in words of like import, which are to be printed, one on each page, leaving the necessary blanks to suit the circumstances upon each separate conveyance, and shall, upon the production of any conveyance, enter and register the same at length in the said book and shall minute the registration or entry on the deed.

Fees for  
registering.

The registrar shall charge and receive from the said company, for all fees on such registration, fifty cents and no more.

Effect of  
registration.

Such registration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding, and shall have the same effect, as regards the rights of ownership, servitudes, hypothecs and real rights, as the registration prescribed by the Civil Code.

Power to  
build certain  
bridge.

**17.** The company shall erect and construct a bridge for the purpose of their railway over the Beauharnois canal at a place that will give access to Buisson Point,

after having obtained the necessary authorization so to do.

18. The said company shall commence and complete the said road (including the bridge over the Beauharnois canal) within two years from the coming into force of this act; in default of which the charter of the said company shall be void and of no effect.

Commence-  
ment and  
completion of  
works.

19. This act shall come into force on the day of its sanction.

Coming into  
force.

### SCHEDULE A.

#### DEED OF SALE.

Know all men by these presents that I, A. B. of  
in consideration of dollars paid to  
me by the Buisson Point Railway Company, receipt  
whereof is hereby acknowledged, grant, bargain, sell and  
convey unto the Buisson Point Railway Company, their  
successors and assigns, all that tract or parcel of land (*here  
describe the land*) selected and designated by the said com-  
pany for the purposes of its railway, to have and to hold  
the said land and premises unto the said Buisson Point  
Railway Company, their successors and assigns for ever.  
Witness my hand at , this day of  
one thousand eight hundred and

A. B.

Signed, sealed and delivered }  
in presence of }  
C. D. } (L. S.)  
E. F. }

### CAP. CVII.

An Act to incorporate the Montfort Colonization Railway Company.

[Assented to 2nd April, 1890.]

WHEREAS the construction of a railway, as herein-  
after set forth, would be of great advantage  
to the section of the country through which it would  
run, as well as the neighborhood thereof; whereat a peti-  
tion has been presented, praying for the passing of an act  
to incorporate a company authorized to construct such  
railway, and it is expedient to grant the prayer of the said  
petition; Therefore, Her Majesty, by and with the advice

Preamble.

and consent of the Legislature of Quebec, enacts as follows:

## TITLE I.

### INCORPORATION OF THE COMPANY.

Certain persons incorporated. **1.** Joseph Brunet, François F. Froideveau, Godfroi Chapleau, Jean D. Porcheron and Edmond Porcheron, together with such other persons and corporations as may, become shareholders in the company hereby incorporated, are constituted a body politic and corporate, under the name of "The Montfort Colonization Railway Company."

Name.

R. S. Q., art. 5125 to 5181, to apply when not inconsistent. **2.** The company is subject to the operation of articles 5125 to 5181, inclusively, of the Revised Statutes of the Province of Quebec, relative to railway companies, except where the same may be derogated from or be inconsistent therewith

Power of company to build certain line of railway and telegraph. **3.** The company is vested with all the powers and privileges necessary for laying out, building, putting in operation and working either an ordinary or a narrow gauge railway, and also a telegraph line along the road, from a point on the line of the Canadian Pacific Railway or the Montreal and Occidental Railway either from Lachute, St. Jérôme or St. Sauveur or near the said localities to Montfort, in the township of Wentworth, and for continuing the said railway to a point on the Rivière Rouge, in the township of Arundel.

## TITLE II.

### CAPITAL STOCK. CALLS.

Capital stock. Shares. **4.** The capital stock of the company is five hundred thousand dollars, divided into shares of ten dollars each.

Increase thereof. **5.** It may be increased to one million dollars, in accordance with paragraph 19 of article 5132 of the Revised Statutes of the Province of Quebec.

Calls. **6.** The directors may, at any time, order such instalments on shares held by the shareholders and to such extent as they may deem advisable.

Amount thereof, and notice therefor. I provided, however, that none of such instalments shall exceed ten per cent on each share and that a notice of one month shall be given to each shareholder through the post-office.

## TITLE III.

## PROVISIONAL DIRECTORS.

**7.** The persons named in the first article of this act are hereby constituted a board of provisional directors of the company, with power to add to their number. Provisional board of directors.

**8.** Three of them shall constitute a quorum of the board. Quorum.

**9.** They shall remain in office until the first election of directors under the provisions of this act. Term of office.

**10.** They have the power to open subscription books and get stock subscribed in the company. Power to open stock books etc.

**11.** As soon as they have received subscriptions to the amount mentioned in article 14 of this act, they shall convene a meeting of the shareholders for the election of directors as provided in the said article 14. Calling of first meeting for election of directors and when.

## TITLE IV.

## MEETINGS OF SHAREHOLDERS.

**12.** The meeting of shareholders for the first election of directors of the company is convened and held according to article 14. How first meeting is to be called.

**13.** Every subsequent annual or other general meeting shall be convened at the hour, place and manner prescribed by the by-laws. Subsequent meetings.

## TITLE V.

## DIRECTORS.

**14.** As soon as they have obtained subscriptions to the amount of forty thousand dollars to the capital stock and ten per cent thereon is paid up, the provisional directors shall call a general meeting of the subscribers to the capital stock, in the city of Montreal, for the purpose of electing the directors of the company. When first meeting is to be called.

Notice of such meeting shall be published during two weeks in two newspapers, published in the city of Montreal, one in the English and the other in the French language, and by registered letter addressed to the said shareholders at least eight days previously. Notice therefor.

**15.** At such general meeting, the shareholders, who have paid up ten per cent on their shares, shall vote in Voting for directors.

Number and  
quorum.

person or by proxy for the election of the directors of the company, whose number shall not exceed seven, and three of whom shall form a quorum.

By-laws.

**16.** At the same meeting, the shareholders may pass such by-laws as they may deem expedient.

Qualification  
of directors.

**17.** No one can be elected or appointed a director unless he holds, in his own name, at least two hundred shares in the capital stock of the company and has paid up all calls upon such shares.

## TITLE VI.

### POWERS OF THE COMPANY.

Powers to  
acquire, etc.,  
and, etc.

**18.** The company may receive, accept and hold, for the construction of its railway, all vacant lots of land, all real or personal estate, or sums of money, either as gifts or bonuses, or in payment of capital; and it may alienate such lands and other property and otherwise dispose of the same for the objects in connection with its powers.

Power to  
amalgamate.

**19.** The company may amalgamate with any other railway company.

Power to  
arrange :

**20.** It is authorized to enter into arrangements with other railway companies :

For passage of  
cars and run-  
ning of trains ;  
For branch  
lines ;  
For facilita-  
ting connec-  
tions ;  
For acquir-  
ing property,  
etc., of other  
companies.

1. For the passage of its cars and the running of its trains over any line of railway it may cross or which it may join;

2. For acquiring branch lines ;

3. For facilitating connections between it and any other railway ;

4 For acquiring the property, rights and privileges of other railway companies.

Power to  
make arran-  
gements :

**21.** It is further authorized to conclude arrangements, either with other railway companies, or with the Government of the Province of Quebec :

To sell or  
lease its pro-  
perty, etc ;

1. To sell its railway, in whole or in part, or only its branches, or to lease or make over the use thereof for any period of time whatsoever ;

To lease an-  
other railway,  
etc ;

2. To lease or rent, either from another railway company or from the said Government, any railway or portion of a railway or only branches, or the use of any railway or portion of a railway or branches for any period of time whatsoever, in any case ;

To lease loco-  
motives, ten-  
ders, cars, etc.

3. To lease or rent locomotives, tenders, cars or any rolling stock or moveable property, and enter into contracts to that effect, either with railway companies or with the Government or with private individuals.

**22.** It may enter into arrangements with railway companies or the said Government, or *vice versa*, or with companies jointly amongst themselves and with the said Government, or *vice versa*, by means of leases, amalgamations, or transfers respecting the use by one or other of such companies or the joint use by it and other railway companies of the projected railway or the said rolling stock, or the said moveable property, in whole or in part, or respecting any other railway, any railway undertaking, or for any object, or any service rendered or to be rendered by such company to any other or to the said Government or *vice versa*. General powers for leasing, amalgamating, etc.

**23.** The contracts and agreements mentioned in the two preceding articles must, in order to be valid, be approved and ratified by the majority of the votes of the shareholders of each of the railway companies interested, at a special meeting of the said shareholders convened for the purpose of taking such contracts and agreements into consideration, after a notice given in the manner set forth in paragraph 19 of article 5132 of the Revised Statutes of the Province of Quebec. Approval of such arrangements by shareholders. Notice of meeting for such purpose

## TITLE VII.

### ISSUE OF MORTGAGE BONDS.

**24.** The directors of the company are authorized to issue mortgage bonds bearing the seal of the company and signed by the president or other officer acting as president and countersigned by the secretary. Power to issue mortgage bonds.

Notwithstanding paragraph 11 of article 5132 of the Revised Statutes of the Province of Quebec, such bonds shall be payable in the manner, at the places (in Canada or elsewhere), prescribed by the directors, and shall bear such rate of interest as the directors may deem expedient. When, where and at what rate of interest payable.

**25.** The directors may issue, sell or pledge such bonds at such prices and upon such terms and conditions as they may deem expedient, for the purpose of raising the amount required to carry on the undertaking. Issue, etc bonds.

**26.** No bond shall, however, be issued before an amount of at least forty thousand dollars of the capital stock has been subscribed and ten per cent paid up thereon; and the amount of the bonds issued shall not exceed ten thousand dollars for each completed mile of railway. When bonds may be issued. Amount thereof.

**27.** The bonds, the issue whereof is authorized, shall, without formal registration or transfer, be received and Bonds to be first claim on property

without registration.

considered as the first claim and privileged debt against the company, its undertaking, tolls and revenues and the moveables and immoveables which it now possesses or may hereafter acquire; and every holder of such bonds shall be deemed an hypothecary creditor as regards such security, *pro rata* with all the other bondholders.

Ranking of bondholders.

Ranking of bonds of several issues.

**28.** In the event of there being several issues of bonds at various dates, the order of priority of the privilege attached to such bonds shall be established by the date of the issue; bonds bearing an earlier date having priority over those of a subsequent issue.

Bonds and coupons may be made payable to bearer.

**29.** All bonds, debentures, mortgages and other securities, authorized by this act, as well as their coupons and certificates of interest due, may respectively be made payable to bearer.

Transfer in such case until registered.

In such case they shall be transferable by simple delivery, and the holder may sue for the recovery thereof in his own name, until they have been registered.

Transfer after registration, etc.

**30.** After their registration, they shall be transferable by deed of transfer in the same manner as shares; but they shall become transferable by simple delivery by the registration of a transfer to bearer.

Company bound to register transfer.

The company shall be bound to execute such registration at the request of the bearer then inscribed.

## TITLE VIII.

### ISSUE OF NOTES AND BILLS OF EXCHANGE.

Power to sign, etc., notes, etc.

**31.** The company may sign, endorse, draw or accept notes to order or bills of exchange of not less than one hundred dollars each.

How to be signed, etc.

In order to bind the company, such notes and bills of exchange must be signed, drawn, accepted or endorsed by the president or vice-president and countersigned by the secretary, under the authority of the majority of a quorum of the directors.

Notes, etc., to be deemed to be properly made, etc.

**32.** Every note or bill of exchange, in conformity with such conditions, shall be deemed to have been duly made with the required authority until the contrary be proved, and in no case shall it be necessary to affix the seal of the company to such notes and bills of exchange.

Seal not necessary.

**33.** Neither the president, vice-president, secretary nor treasurer of the company shall incur any personal responsibility in connection with such notes or bills of exchange, in connection with which the above conditions are fulfilled.

**34.** The Company is forbidden to sign notes or bills of exchange payable to bearer, or to issue any intended to be put in circulation as money or the bills or notes of a bank Company not to issue certain bills, etc.

## TITLE IX.

## MISCELLANEOUS PROVISIONS.

**35.** The shareholders of the company, whether British subjects or aliens, residing in Canada or elsewhere, have all the same rights and privileges. Rights of shareholders.

They may hold shares in the capital stock; they may vote on such shares, and are eligible as officers of the company.

**36.** The company shall commence work within three years from the sanction of this act; and such work shall be completed for a length of at least ten miles, during the two following years, in default of which this act shall be of no effect. Commencement, etc., of works.

**37.** The deeds and transfers of land to the company, drawn up for the purposes of the company, shall, as far as possible, be in conformity with schedule A to this act. Deeds of sale for land.

**38.** This act shall come into force on the day of its sanction. Coming into force.

## SCHEDULE A.

## DEED OF SALE.

Know all men, by these presents, that, I, A. B. of \_\_\_\_\_ in the county of \_\_\_\_\_ for and in consideration of the sum of \_\_\_\_\_ to me paid by the Montfort Colonization Railway Company, which I acknowledge to have received, grant, bargain, sell and convey unto the said Montfort Colonization Railway Company, its successors and assigns, all that tract or parcel of land (*description of the property*) the same having been selected, and laid out by the said company for the purposes of its railway, to have and to hold the said lands and premises unto the said company, its successors and assigns for ever.

Witness \_\_\_\_\_ hand and seal  
at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered }  
in the presence }  
C. D. }  
E. F. }

A. B.  
(L. S.)

## CAP. CVIII

An Act to amend the charter of the Quebec Central Railway Company.

[Assented to 2nd April, 1890.]

## Preamble.

WHEREAS the Quebec Central Railway Company has, by its petition, represented that for various reasons it has been hitherto unable to complete its line of railway from St. Francis to the frontier, but that it has at present made such arrangements as will insure the speedy completion of such line, and has consequently prayed for an amendment to its existing charter, so that a further delay of three years be given it to complete the line; and whereas it is expedient to grant the prayer of the said Quebec Central Railway Company; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Delay to complete road extended.

1. The delay for the completion of the Quebec Central Railway, granted by the act 49-50 Victoria, chapter 82, section 13, is hereby extended to a further term of three years, to be computed from the last day of the present session.

Coming into force.

2. This act shall come into force on the day of the sanction thereof.

## CAP. CIX.

An Act to amend the act 48 Victoria, chapter 78, respecting the Quebec, Montmorency and Charlevoix Railway Company.

[Assented to 2nd April, 1890.]

## Preamble

WHEREAS the Quebec, Montmorency and Charlevoix Railway Company has petitioned the Legislature, praying for certain amendments to the act 48 Victoria, chapter 78, respecting the said railway, to give it the right to issue bonds and stock over an additional mileage of the company's road; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

48 V., c. 78, s. 1 replaced.

1. Section one of the said act of the Legislature of Quebec, being the act 48 Victoria, chapter 78. (1885) intituled: "An Act to confer certain powers upon the Quebec, Montmorency and Charlevoix Railway Company," is hereby repealed and the following substituted therefor;

" 1. The Quebec, Montmorency and Charlevoix Railway Company is hereby authorized to issue debentures to the amount of twenty thousand dollars per mile of its railway, secured in a special manner and having preference over all other bonds or debentures on the section of its line and branches comprised between its terminus in the city of Quebec and Cap Tourment, forming a length of about thirty-five miles, such debentures to bear interest at a rate to be determined by the board of directors of the company but which shall not exceed the legal rate.

Railway authorized to issue debentures.

The payment of the interest on these debentures shall constitute, after the working expenses, the first lien on the receipts of the working of that portion of the company's line.

Lien for interest thereon.

Such bonds shall be signed by the president or vice president and countersigned by the secretary or treasurer of the company, and shall be a mortgage upon the railway and all the plant, rolling stock and material necessary for the working thereof, and upon all the buildings, stations and station grounds, and generally upon all the lands embraced in the right of way, property and material necessary and belonging to the working and running of such thirty-five miles or thereabouts, of the railway; provided always that the proceeds of the said bonds, when the same are sold, shall be in the first instance applied to the redemption of interim bonds which have been issued as collateral security for debts due by the company."

Signature to bonds

Application of proceeds of bonds in first instance to certain payments.

2. Section 7, of the said act is hereby repealed and the following substituted therefor :

Id. sec. 7 replaced.

"7. Out of the total amount of its capital stock, the Quebec, Montmorency and Charlevoix Railway Company is hereby authorized to set apart, in a special and exclusive manner, by means of a resolution passed to that effect by the board of directors, three thousand five hundred shares or an amount of three hundred and fifty thousand dollars for the first section of its railway, comprised between its terminus in the city of Quebec and Cap Tourment and branches forming a length of about thirty-five miles."

Certain sum may be set aside for certain purposes.

3. In section 8 of the said act, the " word " three is substituted for the word " two, " in the third line.

Id., sec. 8 amended.

4. In section 9 of the said act, the words " Cap Tourment " are substituted for the words " a certain point in the parish of St. Joachim, " in the seventh and eighth lines, and the word " thirty " for the word " twenty ", in the said eighth line.

Id., sec. 9 amended.

Coming into  
force.

5. This act shall come into force on the day of its sanction.

# CAP. CX.

An Act respecting the construction of a bridge over the River St. Lawrence, at or near Quebec.

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Guarantee of interest upon certain sum upon certain conditions, to company building bridge over St. Lawrence at or near Quebec. Guarantee required. Federal Government and city of Quebec to guarantee other  $\frac{2}{3}$  of interest.

When conditions to be fulfilled.

Approval of site and plans.

Statements to be submitted annually.

When guarantee to take effect.

Coming into force.

1. The Lieutenant-Governor in Council is authorized to guarantee the payment of one-third of the interest, at three per cent, for ten years, upon three millions of dollars of debentures, which may be issued by any company duly organized for the purpose of constructing a bridge over the River St. Lawrence, at or near Quebec, provided :

a. That such company gives sufficient guarantees that it is in a condition to successfully carry out the undertaking ;

b. That the Federal Government and the corporation of the city of Quebec, guarantee the payment of the two remaining thirds of the interest on the said debentures, in such proportion as they may agree upon ;

c. That the said conditions be fulfilled on or before the 1st January, 1892, in default of which the present authorization given to the Lieutenant Governor in Council shall be considered null and void ;

d. That the site and plans of the bridge shall previously be approved by the Lieutenant Governor in Council ;

e. That the said company shall be bound to submit, at the end of each year, a statement of its receipts and expenditure ;

f. That the said guarantee of interest shall take effect only one year after the bridge is opened to traffic, and only in case the revenues of the company are insufficient to meet the obligation aforesaid.

2. This act shall come into force on the day of its sanction.

## CAP. CXI.

An Act to authorize the Municipal Council of the parish of St. Raphaël de l'Ile Bizard to build an iron bridge.

[Assented to 2nd April, 1890.]

**W**HEREAS the construction of an iron free bridge over the Rivière des Prairies, between Ile Bizard, in the county of Jacques Cartier, and the village of Ste. Geneviève in the Island of Montreal, would greatly facilitate communication between the parish of St. Raphaël de l'Ile Bizard and the city of Montreal; Preamble.

And whereas the corporation of the said parish of St. Raphael de l'Ile Bizard has, by petition, prayed for power to build an iron bridge, between the said Ile Bizard and the village of Ste. Geneviève, in the said county of Jacques Cartier, and it is expedient to grant such prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The municipal council of the parish of St. Raphael de l'Ile Bizard is authorized, after having obtained the consent of the competent authorities, to pass all by-laws for erecting, building, repairing and maintaining, at the expense of the corporation of the said parish, by means of loans or moneys levied in the manner authorized by the Municipal Code of the Province of Quebec, an iron bridge over the Rivière des Prairies, between the municipality of the said parish and that of the village of Ste. Geneviève. Certain bridge authorized to be built.

**2.** The said bridge shall be exclusively under the control of the council of the parish of St. Raphaël de l'Ile Bizard. Control of bridge.

**3.** The corporation of the parish of St. Raphaël de l'Ile Bizard is authorized to acquire, by gratuitous or onerous title, from the corporation of the village of Ste. Geneviève, or any other corporation or person, the land situate in the said village of Ste. Geneviève, which shall be deemed necessary for the construction or maintenance of the said bridge. Power to acquire land for bridge.

**4.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. CXII.

An Act to enable the Metropolitan Bishop of the Church of England, in the ecclesiastical Province of Canada, to confer certain degrees in Divinity in the Province of Quebec.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the bishops, clergy, and laity, members of the Church of England, assembled in provincial synod of the ecclesiastical Province of Canada, have, by their petition, represented :

That the various universities and theological colleges, in connection with the Church of England in the different Provinces of Canada, comprised within the limit of the said ecclesiastical Province, namely: the University of King's College, in the Province of Nova Scotia, the University of Bishop's College, Lennoxville, in the Province of Quebec, the University of Trinity College, Toronto, in the Province of Ontario, Huron College, London, and the Montreal Diocesan Theological College, in the Province of Quebec, and Wycliffe College, Toronto, in the Province of Ontario, have agreed to the establishment of a common board of examiners for Divinity degrees, composed of representatives from each of the said universities and colleges, to be appointed in the manner required by their regulations and by-laws, and that the said Provincial synod has, by canon, established such common board of examiners so agreed upon by the said universities and colleges;

And whereas the said Provincial synod has prayed for the passing of an act to confer upon the Metropolitan bishop of the said ecclesiastical Province, power to confer degrees in Divinity by himself or his representative, within the Province of Quebec, and so far as the Legislative jurisdiction of the said Province of Quebec extends, and in addition to the powers already existing under their several charters for conferring such degrees in the several universities upon candidates who have passed the said board of examiners; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Metropolitan Bishop created corporation sole for the purpose of conferring degrees in divinity.

1. The bishop of the Church of England, in the ecclesiastical Province of Canada, who shall hold, for the time being, the office of Metropolitan of the said ecclesiastical Province, is hereby created a corporation sole, with the power to confer, within the Province of Quebec, so far as the Legislative jurisdiction of the said Province extends, the degrees of Bachelor of Divinity and Doctor of Divinity, by himself or his representative, upon such candidates

only as have received the certificate of the board of examiners, established by the canon of the Provincial synod of the ecclesiastical Province of Canada, for the purpose of holding examinations for such degrees, to the effect that the said candidates have successfully passed the examinations, and performed all the other exercises required for such degrees.

2. Nothing in this act shall be held to confer upon the Metropolitan the power of conferring degrees, *jure dignitatis* or *pro honoris causâ*, or to limit the existing rights of any university or college. Certain degrees not to be conferred.

3. This act shall come into force in the day of its sanction. Coming into force.

#### CAP. CXIII.

An Act to permit the Corporation of Bishop's College to dispose of certain real estate.

[Assented to 2nd April, 1890.]

**W**HEREAS, it appears by the petition of the Corporation of Bishop's College that the Reverend Henry William Long, by a certain deed of donation, passed before Daniel Thomas, notary public, on the twelfth day of April, eighteen hundred and seventy-two, conveyed to the Corporation of Bishop's College certain parts of the lots numbers eleven and twelve in the second range of the township of Stanstead, in the county of Stanstead, and a certain part of the lot number twelve in the first range of the said township of Stanstead, all more particularly described in the said deed and in other anterior deeds; whereas the said donation was so made for the purpose of promoting certain educational objects, which are specifically mentioned in the said deed; whereas the said real estate is becoming unproductive and is deteriorating in value, and the objects of the said donor can be better secured by disposing of the said property and investing the proceeds in a manner better calculated to provide a more fixed and certain annual revenue; and whereas the said Corporation of Bishop's College have, by their petition, prayed to be allowed to alienate and dispose of the said real estate, and it is expedient to grant the prayer of their said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

College authorized to sell certain real estate

**1.** The Corporation of Bishop's College are hereby empowered and authorized to sell and alienate all those certain parcels of land conveyed to the said Corporation by the Reverend Henry William Long, under a deed of donation passed before Daniel Thomas, notary public, on the twelfth day of April, eighteen hundred and seventy-two, and registered in the Stanstead division registry office, in register B. volume 18, number 404.

Investment, etc., of proceeds.

**2.** The proceeds of the sale of the said real estate shall be, by the said Corporation of Bishop's College, set apart and invested as a special fund, in such manner that the said special fund and all and every the proceeds, fruits, rents and revenues thereof, shall be applied only for the purposes specifically set forth and indicated in the said deed of donation.

Coming into force.

**3.** This act shall come into force on the day of its sanction.

#### CAP. CXIV.

An Act to authorize the sale of certain real estate substituted by Alpheus Kimpton and his wife.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS Alpheus Kimpton and Liletta Lenay, his wife, in their lifetime of Ste. Thérèse de Blainville, in the district of Terrebonne, gave to their son Alpheus Kimpton, subject to substitution in favour of his children and descendants, by deed of donation, passed before A. Seguin, notary, on the 28th December, 1864, and duly registered, the following immoveable property, to wit :

1. A lot of land of triangular form, situated in the said parish of Sainte Thérèse de Blainville, now known and designated under the number twelve (12) on the official plan and book of reference of the said parish ;

2. A lot of land situate in the said parish, now known and designated under the number four hundred and sixty-eight (468) on the said official plan and book of reference ;

3. A lot of land situate in the said parish, now known and designated under the numbers thirty-five, thirty-six, thirty-nine, forty and forty-one (35, 36, 39, 40 and 41) on the aforesaid plan and book of reference, with a house thereon erected ;

Whereas the said Alpheus Kimpton, the younger, died on the 31st January, 1865, leaving two daughters as substitutes in the said substitution, namely : Abigail and Sarah Kimpton, issue of his marriage with Elmire David ;

Whereas the latter has remarried, and the said Abigail Kimpton has married Moïse Dubuc, employed in the sheriff's office of the district of Montreal, and the said Sarah Kimpton has married Charles J. Longpré, contractor, of the town of St. Jérôme ;

Whereas the said substitutes in the said substitution, and their husbands, being unable to use and dispose of the said property, the latter has considerably deteriorated in value and continues to do so daily and yields hardly any revenue ;

Whereas a mill which existed on one of the aforesaid immoveables has become so deteriorated that it can no longer be used, and the stone house on the property lastly described has been destroyed by fire ;

Whereas it is in the interest of all concerned that the said immoveables be sold as soon as possible and the proceeds invested for the benefit of the said substitution ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said Abigail and Sarah Kimpton, authorized by <sup>Power of sale</sup> their husbands, and by a judge or prothonotary of the <sup>given.</sup> Superior Court for the district of Montreal, upon the advice of a family council, may sell each and all the immoveables aforesaid and give a good and valid title therefor to the purchaser or purchasers as the said donors themselves might have done.

2. The sale shall be effected in the manner and with <sup>Formalities</sup> the formalities prescribed for the sale of immoveables <sup>required.</sup> belonging to minors.

3. The proceeds of the sale of the said immoveables or <sup>Application of</sup> of any of them, after deducting the costs and expenses <sup>part of pro-</sup> occasioned by obtaining the passing of this act and the expenses of the authorizations, notices and others incurred in effecting the said sale, shall be set apart for the payment of all hypothecary debts and charges which may exist upon the said property ;

The remainder shall be disposed of as follows : <sup>Application of</sup>

1. It shall remain under the security of the privilege of <sup>remainder.</sup> *baileur de fonds* in the hands of the purchaser, who shall pay the interest as stipulated, or

2. It shall be paid by the purchasers to the said Abigail and Sarah Kimpton, assisted by their said husbands, jointly with the curator to the said substitution, without any other authorization being necessary, and shall be invested by them in such manner as they and the curator to the said substitution may deem most advantageous.

4. The payment made by the purchasers of the said <sup>Purchasers</sup> immovable to the said Abigail and Sarah Kimpton, as- <sup>not bound to</sup>

see to invest-  
ment.

sisted by their husbands, and with the concurrence of the curator or other representative of the substitution, shall be valid to all intents and purposes and shall relieve the purchasers of all responsibility as to the investment of the price of the said immoveables, or any of them.

Coming into  
force.

**5.** This act shall come into force on the day of its sanction.

## CAP. CXV

An Act to authorize the sale of certain real estate substituted by the will of the late John A. Stackhouse.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS James Cowan, of the city of Ottawa, John Stackhouse and Gilbert A. Stackhouse, of the parish of St Andrews, in the district of Terrebonne, Charles Stackhouse, of the city of Ottawa, and Benjamin S. Stackhouse, of the town of Lachute, in the said district, have, by their petition, set forth :

That the said John Stackhouse, Gilbert A. Stackhouse, Charles Stackhouse and Benjamin S. Stackhouse, are the male children issue of the marriage of the late Dame Mary Esther Dorion and the late John A. Stackhouse, in their lifetime of the said parish of St. Andrews, and the legatees of the usufruct to the real estate substituted under the last will and testament of the said late John A. Stackhouse ;

That by the last will and testament of the said late John A. Stackhouse, executed in authentic form before H. Howard, notary public, and witnesses, in the said parish of St Andrews, on the eighteenth day of February, eighteen hundred and sixty-five, he appointed the said James Cowan his testamentary executor, extending his powers beyond the year and a day, and until the complete fulfillment of the said will, and the said late Dame Mary Esther Dorion, his wife, his universal legatee, with substitution of his real estate in favor of his male children, the four above named petitioners, in the proportion defined in said will, and after their death to their legal heirs and representatives in the ordinary course of succession ;

That inserted in said will is the following clause :  
 “ And it is a further condition of the bequest herein-  
 “ above made to my said sons of the said real estate, that  
 “ they shall not in any manner sell, mortgage or oth-  
 “ wise encumber the same or any part thereof, unless it be  
 “ to or in favor of each other, it being my wish that the

“ said property should be retained in the family, and after  
 “ their demise to their legal heirs or representatives in the  
 “ ordinary course of succession ;”

That the said late John A. Stackhouse departed this life, at St. Andrews aforesaid, on the eleventh day of March, one thousand eight hundred and sixty-five, and his said will was duly registered in the registry office for the county of Argenteuil, where the said real estate is situated, on the seventeenth day of May, one thousand eight hundred and sixty-five ;

That the said late Dame Mary Esther Dorion died, at St. Andrews aforesaid, on the 14th day of June, 1889 ;

That said real estate consists of lot numbers 427, 428, 429, 430, 426, 421, 422, 423, 424, 425 385, 386, 387, 558, and 562, on the official plan and book of reference of the said parish of St. Andrews, and are of the aggregate value of two thousand dollars ;

That the revenue derivable from said real estate is precarious and insufficient to maintain the same in tenantable condition and provide for the other charges created by said will, and for that reason, the property is more onerous than profitable ;

Whereas the said petitioners have, by their petition, prayed for the passing of an act authorizing them or the survivors of them to sell and dispose of the said estate and invest the same in such manner as they may deem most advantageous ;

And whereas it is in the interest of all concerned that the prayer of such petition be granted ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said executor and the said institutes, with the consent of the curator named to the substitution created by the will of the late John A. Stackhouse, may, forthwith, by observing the formalities required for the sale of property belonging to minors, obtain power to sell and dispose of, at such prices and upon such terms and conditions fixed by a judge, all the immoveable property hereinabove mentioned on such terms as may be deemed most advantageous ; and they shall be obliged to invest the proceeds of such sale in the manner which shall be indicated and decided by the judge upon the advice of a family council.

Certain property may be sold.

Investment of proceeds.

2. The payment made by the purchasers of the said immoveables shall be valid to all interest and purposes, and shall relieve such purchasers from all responsibility as to the investment of the price of the said immoveables, or any of them.

Payment by purchasers to relieve them of responsibility as to investment, etc.

Coming into  
force.

3. This act shall come into force on the day of its sanction.

# CAP. CXVI.

An act respecting a certain substitution created by Joseph *Beaupré et uxor*.

[Assented to 2nd April, 1890.]

Preamble.

**W**HEREAS, by deed of gift *inter vivos*, passed at l'Assomption, on the 20th March, one thousand eight hundred and thirty-seven, before Chagnon and colleagues, notaries, by Joseph *Beaupré*, senior, captain of militia, of St. Paul, county of Joliette, and Dame Thérèse Gourre, his wife, to André and Salomon *Beaupré*, their sons, the donors having charged the donees with a substitution of the property [including the immoveable hereinafter described] in favor of the grandchildren and great-grandchildren of the said donees;

Whereas the succession of the said Joseph *Beaupré et uxor* consisted of the following immoveable, to wit:

"A lot of land situate and being in the parish of St. Paul, seigniory of Lavaltrie, containing five arpents in front by forty arpents in depth, bounded in front by the north bank of the river l'Assomption, in rear by the land of one Laporte and one Beauséjour, on one side to Joseph Labrèche, and on the other side to Jean Baptiste Laporte, with a house, barn, stable and other dependencies built thereon; three arpents of such land to belong to the said Solomon *Beaupré*, and the two other arpents to the said André *Beaupré*;"

Whereas, by the said deed, the said substitutes were enjoined to keep the said land to them given and to return and restore the whole in good order to their children, born and to be born in lawful wedlock, and to the children of their children for ever, in the direct male line to the degree fixed by law, with power, nevertheless, to the said donees and all the substitutes to sell or exchange the whole or part of the land amongst themselves, provided such sale or exchange be made in the family and in the direct male line only;

Whereas a portion of the said substituted property is now in the possession of Benjamin *Beaupré*, the son of André, who acquired the same from his brothers, in virtue of a deed of sale passed before L. Désaunier, notary, on the fourth of February, one thousand eight hundred and sixty-eight, in favor of the said Benjamin *Beaupré*, by Joseph *Beaupré*, Damien *Beaupré*, Emilio *Beaupré*, Camille *Beaupré* and Pierre Tancrede *Beaupré*, his brothers,

and of another deed of sale passed before J. B. Chevigny, notary, on the 30th October, 1888, in favour of the same, by Amédée and Théophile Beupré, his two other brothers, and the other portion of the said immoveable is in the possession of Paul Emile Beupré and Georges Beupré, as the only sons and heirs of the said Salomon Beupré;

Whereas the said Benjamin Beupré has no male child, and doubts may arise as to the validity of the said deeds of sale, and trouble would be caused by the opening of the said substitution as regards that portion of the said property occupied by the said Benjamin Beupré coming to him from his father André;

Whereas all the donees, who are institutes as aforesaid in the substitution of the portion of the said property coming to them from their father André Beupré, are unanimously of opinion that, notwithstanding such substitution, the said deeds of sale should be ratified and validated;

Whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The deeds of sale cited in the preamble of this act, to wit: Certain deeds of sale ratified.

1. The deed of sale before L. Désaunier, notary, on the fourth of February, one thousand eight hundred and sixty-eight, in favour of the said Benjamin Beupré by Joseph Beupré and his brothers;

2. The deed of sale before J. B. Chevigny, notary, on the thirtieth day of October, one thousand eight hundred and eighty-eight, in favour of the same by Amédée and Théophile Beupré, his two other brothers;

Are ratified and declared valid to all intents and purposes, notwithstanding the substitution created by the deed of donation *inter vivos* passed at L'Assomption, on the twentieth of March, one thousand eight hundred and thirty-seven, before Maître Chagnon and colleague, notaries, by Joseph Beupré, senior of St. Paul, county of Joliette, and Dame Therese Gourre, his wife, in favour of their sons André and Salomon Beupré.

2. Notwithstanding the said substitution, the said Benjamin Beupré is declared to have been and to be, to all intents and purposes, the definitive and immutable proprietor of that portion of the said immoveable, subject to the substitution, which he acquired in virtue of the deeds of sale cited in the preceding article and which he now occupies to wit: Certain property declared to belong to B. Beupré.

" A lot of land situate in the parish of St. Paul, seigniory of Lavaltrie, in the county of Joliette, measuring two

arpents in front by forty arpents in depth, and now designated as number one hundred and fifty-one of the official cadastre of the said parish of St. Paul."

Certain property declared to belong to G. Beaupré and P. E. Beaupré.

3. The said Georges Beaupré and Paul Emile Beaupré, only sons and heirs of the said Salomon Beaupré, are declared to have been and to be, to all intents and purposes, but without prejudice to such substitution, the definitive and immutable proprietors of the other portion of the said immoveable, subject to the substitution, which they inherited from their father Salomon Beaupré, to wit: "A lot of land situate in the parish of St. Paul, known and designated on the official plan and book of reference of the said parish as lot number one hundred and fifty-two measuring three arpents in front by forty arpents in depth ;

Proviso.

But one of them the said Georges Beaupré and Paul Emile Beaupré may acquire the rights of the other in the said lot number one hundred and fifty two, by purchase, transfer, exchange or otherwise ; and any deed to that effect shall be valid for all lawful purposes notwithstanding the said substitution.

B. Beaupré relieved from substitution.

G. Beaupré and P. E. Beaupré also on certain conditions.

4. The said Benjamin Beaupré is relieved from the said substitution with respect to the aforesaid immoveable of which he is proprietor, which immoveable is withdrawn from the effects of the said substitution and prohibition to sell ; and the said George Beaupré and Paul Emile Beaupré shall be equally discharged from such substitution, so soon as one of them shall have acquired the rights of the other as set forth in the preceding section.

Coming into force.

5. This act shall come into force on the day of its sanction.

## CAP. CXVII.

An Act to authorize the Protestant Board of School Commissioners for the city of Montreal to dispose of certain immoveable property, and to ratify and confirm the union of the dissentient schools of the late municipalities of the village of St. Gabriel and the town of St. Jean Baptiste with the school municipality of the city of Montreal.

[Assented to 2nd April, 1890.]

Preamble

WHEREAS the Protestant Board of School Commissioners for the city of Montreal, a body politic and corporate, duly incorporated, and having its head office

in the city and district of Montreal, has, by petition, represented :

That by deed of gift made and executed on the twenty-fifth day of January, eighteen hundred and twenty-eight, at the city of Montreal, before A. Jobin, notary public, one Herman Seaver did voluntarily give and grant by donation, *inter vivos*, unto Joseph Ross, cooper, William Thomson, grocer, Joshua Hoight, carpenter, Amassa Gilbert, innkeeper, and James Ellis Campbell, trader, all residing at the foot of the Current St. Mary, in Montreal, therein present and accepting as donees in trust to the interest and purpose hereinafter mentioned, the following property, to wit :

" A lot of ground situated at the foot of the Current St. Mary aforesaid, containing forty-five feet in width by one hundred feet in depth, English measure, and bounded in front by Malbrough street ; on one side by a lot of ground granted on the same day by the said Herman Seaver to the Reverend John Bethune, in trust for the erection of a chapel ; on the other side by a lot of ground belonging also to the said Herman Seaver, but to be sold to one Cady and Jones Butterfield ; and in rear by said James Ellice Campbell : the said lot of ground being known and distinguished by the letter V on a plan of lot on said Herman Seaver's farm at the foot of the Current St. Mary, with all and every the members and appurtenances thereto belonging ; "

That the said donation of said above described land and property was granted, as aforesaid, in trust to the said donees and their successors for ever, to be applied to the use of a public school and to no other use or purpose whatsoever ;

That the said lot of land is now the property of the said Protestant Board of School Commissioners for the city of Montreal, as the successors of the said trust mentioned in the said deed of donation, by virtue of the act of the Province of Quebec 47 Victoria, chapter 80, respecting the School Commissioners of Hochelaga ;

That the said lot of land is now known upon the official plan and book of reference for the incorporated village of Hochelaga, to wit : the present Hochelaga ward of the city of Montreal, as cadastral number ninety-four ;

That a portion of the said lot has been expropriated by the city of Montreal for the widening of St. Catherine street ;

That the remaining portion thereof is inadequate for the erection of a school and is useless for school purposes ;

That the funds and moneys administered by the said petitioners are devoted exclusively to the cause of education in the city of Montreal ;

That it is advisable, for the furtherance of the object of the trust created by the said Herman Seaver, that the Protestant Board of School Commissioners for the city of Montreal be authorized to sell the said lot of land and to execute and convey an absolute title thereto to the purchaser or purchasers thereof;

Whereas the Protestant Board of School Commissioners for the city of Montreal, have, by their petition, also represented : that, in eighteen hundred and eighty-six, the municipality of the village of St. Gabriel was annexed to the city of Montreal for municipal purposes, and in eighteen hundred and eighty-seven the municipality of the town of St. Jean Baptiste was also annexed to the city of Montreal for municipal purposes, and subsequently the dissentients in the said municipalities of St. Gabriel and St. Jean Baptiste expressed a desire to unite, for school purposes, with the city of Montreal, and the trustees of the dissentient schools for the said municipalities of St. Jean Baptiste and St. Gabriel, on the twenty-third day of August, eighteen hundred and eighty-six, and on the fifteenth February, eighteen hundred and eighty-eight, respectively, by deeds of transfer and conveyance, passed before R. A. Dunton, notary public, and Charles Cushing, notary public, respectively, transferred, conveyed and assigned to the Protestant Board of School Commissioners for the city of Montreal, all and every the school property belonging to them, as trustees, respectively, of the dissentient schools for the said two municipalities ;

That doubts have arisen as to the validity of the said transfers and of the said union between the said municipalities of St. Jean Baptiste and St. Gabriel and the city of Montreal, for school purposes, and it is desired that the said transfers and the said union of the said municipalities of St. Jean Baptiste and St. Gabriel with the city of Montreal, for school purposes, be ratified and confirmed :

And whereas it is expedient to grant the prayer of the said petitioners ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain lot of  
land author-  
ized to be sold.

1. The Protestant Board of School Commissioners for the city of Montreal is hereby authorized to sell the lot of land donated in trust by Herman Seaver, on the twenty-fifth day of January, eighteen hundred and twenty-eight, by deed passed before Maître A. Jobin, notary public, and hereinabove described, or any part thereof, with all the appurtenances thereto belonging, by public auction or private sale, for cash or on credit, or for part cash and part credit, secured in such manner as it may deem most advisable, and to transfer and convey the absolute title thereof to the purchaser or purchasers thereof, and to grant

a discharge for the purchase money to and in favor of such purchaser or purchasers, and to do all and every the acts or things necessary in the premises.

**2.** The union of the dissentients of the late municipality of the village of St. Gabriel and of the late municipality of the town of St. Jean Baptiste with the city of Montreal, for school purposes, is ratified, confirmed, and declared effective, as if the said union had taken place under the provisions of law. Certain union ratified.

**3.** The transfer and conveyance by the dissentients of the late municipality of St. Gabriel to the Protestant Board of School Commissioners for the city of Montreal, passed on the fifteenth day of February, eighteen hundred and eighty-eight, before Maitre Charles Cushing, notary public, and the transfer and conveyance, by the dissentients of the late municipality of St. Jean Baptiste to the said Protestant Board of School Commissioners for the city of Montreal, passed on the twenty-third day of August, eighteen hundred and eighty-six, before Maitre R. A. Duntou, notary public, are hereby each and both ratified and confirmed and declared valid; and the said Protestant Board of School Commissioners for the city of Montreal, is vested with all the property of the said dissentients for the said two above named municipalities, and is entitled to receive all the school revenues of the dissentients for the said two municipalities, of every kind and nature whatsoever. Certain transfer ratified. Certain property vested in Protestant Board of School Commissioners for the city of Montreal.

**4.** This act shall come into force on the day of its sanction. Coming into force.

### CAP. CXVIII.

An Act to confirm the sale, to Alfred Joyce, of certain substituted property of the estate of the late Austin Adams.

[Assented to 2nd April, 1890.]

**WHEREAS** Alfred Joyce, of the city and district of Montreal, merchant, has by his petition represented that the late Austin Adams, of Montreal, by his last will and testament, passed at Montreal before Easton and colleague, notaries, bequeathed to his wife, Dame Martha Prescott Ashworth, the usufruct of all his estate, real and personal, during her lifetime; and to his daughter Dame Martha Henrietta Ashworth Adams, after the decease of his said wife, a portion of his said property described "fifthly" in clause "fifthly" of said will, to

Preamble.

wit: the property now known as and being cadastral No. 1489 of the St. Mary's ward, of the city of Montreal, to be held by his said daughter *en usufruit* during her lifetime, and at her death to go to and become the sole and absolute property of her heirs and assigns; that George W. Reed, of the city of Montreal, merchant, was on the twelfth day of November, eighteen hundred and eighty, duly appointed curator to the substitution created by said last will and testament; that the said Dame Martha Prescott Ashworth and the said George W. Reed, in his said quality of curator, were, on the twenty-first day of March, eighteen hundred and eighty-one, for the reasons alleged in their petition, authorized by a judge of the Superior Court at the city of Montreal, upon the advice of a family council, to sell jointly with the said Dame Martha Prescott Ashworth Adams, then wife of the late William H. Barber, of Montreal, the said lot of land by public auction; that the said lot of land was offered at public sale and no *bona fide* bid was made therefor; that the said usufructuary institute and said curator, relying upon article 1277 of the Code of Civil Procedure of this Province, sold by private sale to Alfred Joyce, of the city of Montreal, the said lot of land hereinbefore described, by deed of sale, passed at Montreal aforesaid before H. Brodie, notary, on the twenty-third day of July, eighteen hundred and eighty-one and registered in the registry office for the district of Montreal East, on the twelfth day of August, eighteen hundred and eighty-one; that the said Alfred Joyce has been unable to deal with and sell the said property on account of doubts cast upon the power of a judge as aforesaid to authorize the sale of the said property and also on account of slight informalities in connection with the said sale to him;

Whereas it has been established that the said property was on the point of being sold at sheriff's sale for taxes, and that the sale by licitation made to the said Alfred Joyce as aforesaid was necessary and in the interest of the said substitution, and that a portion of the proceeds of the said sale was applied to pay the debts of the estate of late Austin Adams for which the said property was liable and the balance invested on the security of real estate for the purposes of the said substitution;

Whereas it has been established that the informalities in connection with the sale caused no injury to the said substitution and that full value was obtained for said property;

Whereas the said Alfred Joyce prays for a confirmation and ratification of the said deed of sale to him;

And whereas it is just to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The deed of sale of lot cadastral No. 1489 of St. Mary's Ward in the city of Montreal, by Dame Martha Prescott Ashworth, Dame Martha Henrietta Ashworth Adams and George W. Reed, curator to the substitution created by the last will and testament of the late Austin Adams, in his lifetime of the city of Montreal, to the said Alfred Joyce, passed before H. Brodie, notary, on the twenty-third day of July, eighteen hundred and eighty-one, and registered in the registry office of the registration division of Montreal East, on the twelfth day of August, eighteen hundred and eighty-one, is hereby confirmed and ratified and declared valid and lawful notwithstanding the said substitution and any irregularities, and the said Alfred Joyce is and remains the absolute owner of the said lot of land under and by virtue of the said deed of sale, as if the same were devoid of any irregularity or illegality.

2. The said Alfred Joyce shall not be responsible, as regards the said substitution, for the disposition of the price of sale, and he shall be completely discharged by the acquittance given to him in the said deed by the said vendors.

3. This act shall come into force on the day of its sanction

#### CAP. CXIX.

An Act to authorize Charles L. de Martigny, *ès qualité*, and others to borrow money and to hypothecate the immoveable property of the estate of the late Honorable Charles S. Rodier.

[Assented to 2nd April, 1890.]

WHEREAS the late Honorable Charles Séraphin Rodier, who died on the third of February, one thousand eight hundred and seventy-six, did, by his will and codicil, dated the twenty-second and twenty-sixth of January, one thousand, eight hundred and seventy-six, appoint Joseph Evariste Odilon Labadie, notary, his sole testamentary executor and administrator of his estate, both real and personal, and the latter having resigned on the fifth March, one thousand eight hundred and eighty-six, was replaced on the same day by Charles L. de Martigny; the whole under the terms of the said will;

Whereas a portion of certain immoveables of the said Rodier estate is or will shortly be expropriated by the city of Montreal, and the compensation awarded is not nor will not be sufficient to allow rebuilding upon the remaining portion of the said immoveables;

Whereas certain buildings, belonging to the said estate, are now in a state of decay, and their demolition has been ordered by the building inspector of the city of Montreal;

Whereas other immoveables, belonging to the said estate, although situated in the centre of the city of Montreal, and consequently of great value, are unproductive owing to there being no buildings thereon;

Whereas the immoveables on which buildings should be erected in the interest of the estate are:

1. A lot known and designated as number three hundred and fifty-four (354) on the official plan and book of reference of St. Lawrence Ward, of the said city of Montreal, fronting on St. Lawrence and on St. Charles Borromée streets;

2. Two lots known and designated as numbers two hundred and seventy-three (273) and two hundred and seventy-four (274) on the official plan and book of reference of St. Louis Ward, of the said city of Montreal, fronting on St. Lawrence and St. Dominique streets and St. Lawrence market;

3. A lot known and designated as number four hundred and fifty-three (453) on the official plan and book of reference of St. Antoine Ward, of the said city of Montreal, fronting on St. Antoine and Guy streets and on Richmond Square.

Whereas the said testamentary executor is not in a position to undertake the erection of such buildings without a loan not exceeding forty thousand dollars, and the said estate is interested in the said loan being effected for the purposes aforesaid;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Power to borrow money for certain purposes.

1. The said Charles L. de Martigny, in his capacity of testamentary executor of the said Rodier estate, and Joseph Charles Hubert Lacroix, in his capacity of curator to the substitution created by the said will of the late Charles S. Rodier, with the consent of the majority of the usufructuaries and institutes of the said succession, are authorized to borrow a sum not exceeding forty thousand dollars, for the purpose of building or rebuilding houses or shops on the lots of land aforesaid and to hypothecate the said immoveables for that object.

Amount to be set apart to repay loan.

2. The said testamentary executor is bound, until the final extinction of the debt created by the loans, to set apart, every year, for the repayment of the said loan, in capital and interest, an amount equal to, at least, ten per cent of the amount borrowed, and to be taken from the revenues of the said estate.

3.. This act shall come into force on the day of its sanc-  
 tion. Coming into  
force.

CAP. CXX.

An Act to authorize Marie-Louise Priscille Benoit and  
 Philippe Benoit *es-qualité*, to hypothecate certain  
 substituted immoveables.

[Assented to 2nd April, 1890.]

**W**HEREAS, by her last will and testament, made at Preamble.  
 Montreal, on the 3rd June 1878, before Maitres Pe-  
 rodeau and Jobin, Dame Melanie Robert *dit* Namur dis-  
 posed of her property in the following terms :

“ I give and bequeath, unto François Benoit, the usufruct  
 “ during his lifetime, whether he remarries or not, of all the  
 “ moveable and immoveable property, rights and shares, to  
 “ have and to hold as usufructuary during his lifetime,  
 “ without being obliged to furnish security or to make an  
 “ inventory or to render account to any one whomsoever,  
 “ until his death, at which period I transfer his said rights  
 “ of usufruct to my only daughter Marie-Louise Priscille  
 “ Benoit, without her being obliged to give any security  
 “ for her said right of usufruct; but she shall be obliged  
 “ to make an inventory in the presence of the curator  
 “ appointed to the substitution created by my present will;  
 “ for my said daughter to enjoy her said right of usufruct as  
 “ alimony for herself and her children, forbidding that such  
 “ right of usufruct be liable to seizure, subject to transfer  
 “ or be sold or disposed of, declaring every deed in con-  
 “ travention hereof, null and void.

“ My said daughter shall at her death transfer the pro-  
 “ perty, rights and shares, of which she shall have so had  
 “ the usufruct, to the children then born of her lawful  
 “ marriage and their survivors and representatives; ”

Whereas the said Dame Mélanie Robert *dit* Namur died  
 without revoking her said will, which has been duly re-  
 gistered according to law ;

Whereas Philippe Benoit was appointed curator to the  
 substitution created by the aforesaid will ;

Whereas amongst the property left at her death by the  
 said Dame Mélanie Robert *dit* Namur, there are the  
 following immoveables ;

1. A property situate on St. Constant street and on  
 German street, (*rue des Allemands*) known as No. 223 of  
 the official plan and book of reference of St. Louis Ward  
 of the city of Montreal ;

2. A property situate on Dubord street, known as No.  
 225 of the official plan and book of reference of St. James  
 Ward of the city of Montreal.

Whereas the houses erected on St. Constant and German streets (*rue des Allemands*) cannot be rented owing to their bad condition ;

Whereas the lots of land on which such houses are built are very extensive and would allow of much larger houses being built thereon and would yield larger revenues ;

Whereas it would be an advantage, both for the institutes and for the substitutes in the said substitution, that the said institute Dame Marie Louise Benoit, wife of Gédéon Bourdeau, by her husband duly authorized, and the curator to the substitution, Philippe Benoit, be permitted to borrow an amount not exceeding fourteen thousand dollars for the purpose of rebuilding the two houses on the said St. Constant and German streets, and to hypothecate the two properties above described to secure the repayment of the sums advanced ;

Whereas the allegations of the petition have been proved, and it is expedient to grant its prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain sum authorized to be borrowed for certain purposes.

**1.** The said Dame Marie-Louise Priscille Benoit, the institute in the substitution, created by the aforesaid will hereinabove partly recited, and the curator to the said substitution, are authorized to borrow an amount which shall not exceed fourteen thousand dollars, and which shall be employed in erecting new buildings on the lot hereinabove firstly described.

How to be paid.

The amount of the loan shall be paid by the lender as the work of construction advances, upon the order of the curator and of the architect in charge of the work.

Security for loan.

**2.** The said institute and curator are authorized, for securing and guaranteeing the repayment of the loan, to hypothecate the two immoveables above described in favor of the lender of the said sum or any part thereof, and to enter into all the necessary agreements for that purpose.

Coming into force.

**3.** This act shall come into force on the day of its sanction.

## CAP. CXXI.

An Act to allow the testamentary executors of the late Alexander M. de Lisle to transfer mortgages now standing from a portion of his real estate unto other portions, as may from time to time be more advantageous to his estate.

[Assented to 2nd April, 1890.]

**W**HEREAS Maurice Nolan de Lisle, Charles Alex- Preamble.  
ander de Lisle, Dame Marie Georgiana de Lisle, wife *séparée de corps et de biens* of Joseph Henry Pillet, Marie Angélique Claire de Lisle, Marie Lucie Anne de Lisle, Marie Victoria Cordelia de Lisle, wife of Oliver Selby, esquire duly separated from him as to property, and by him duly authorized for the purposes hereof, James Norman Leslie and Dame Marie Georgiana Stuart Leslie, wife of Godfrey Weir, esquire, duly separated as to property from him and by him duly authorized for the purposes hereof, have by their petition represented that Alexander Maurice de Lisle, in his lifetime of Montreal, esquire, died seized of different pieces and parcels of land and real estate situated in the city of Montreal and elsewhere, which real estate belonged to and formed part of the community of property existing between him and his wife, Dame Mary Angélique Cuvillier, the petitioners being the legal representative by will both of the said Alexander Maurice de Lisle and Dame Mary Angélique Cuvillier, with absolute power of disposal as universal and unconditional legatees in the case of the property of the said Dame Mary Angélique Cuvillier, but charged with a substitution in the case of the property of the said Alexander Maurice de Lisle, who gave power to his executors and *fidéicommissaires* to sell his property for the benefit of his estate but did not give them the power to mortgage it;

Whereas at the time of his death, some of the real estate and immoveable property belonging to the said Alexander Maurice de Lisle and forming part of the said community of property namely: number thirty of the Hochelaga ward, and one hundred and forty-five of the East ward both in the city of Montreal, were mortgaged for the security of the repayment of various sums of money owing by him, and the said real estate and immoveable property so mortgaged, or some of it, might be disposed of in building lots with great advantage to the said two estates, if it were not that the mortgages so affecting the said immoveable property stand in the way of the division of the said property in building lots and the sale thereof, while other property belonging to the estate of the said Alex-

ander Maurice de Lisle is improved property with buildings thereon erected and mortgages thereon would be readily accepted by lenders to an amount equivalent to the amount for which mortgages now exist on property belonging to his estate, and mortgages might be substituted and transferred from one portion of the property to another, without increasing the amount for which the said estate as a whole is hypothecarily liable, and the said petitioners have asked that the surviving executors and *fidéicommissaires* of the said Alexander Maurice de Lisle be authorized to mortgage such portion of his property as can, with the least disadvantage, be mortgaged for the purpose of paying off the mortgages on other portions of his property, and repeat the operation, from time to time, as occasion may require, provided always that the securities offered be approved by the hypothecary creditors;

And whereas it is expedient to grant the prayer of the said petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Executors,  
etc., estate A.  
M. DeLisle  
authorized to  
mortgage pro-  
perty to pay  
off mortgage,  
etc.

**1.** The surviving executors of the said Alexander Maurice de Lisle, and whoever may in future be the legal representatives of his estate, are authorized from time to time to mortgage and hypothecate any portion of the immoveable property forming part of his estate for the purpose of paying off existing mortgages on other portions of his property; provided that the power given by these presents to create mortgages will not have the effect to increase the total amount for which the said estate is hypothecarily liable and does not exceed the sum of eighty-seven thousand dollars.

Certain loans  
authorized to  
be repaid out  
of money so  
raised by  
mortgage.

**2.** The loans obtained by the estate of the said Alexander M. de Lisle, on the security of his shares in the capital stock of banking corporations and now outstanding, to the amount of thirty-seven thousand dollars, shall in all respects be considered as if they were loans named by mortgage on real estate, and this act shall apply thereto; and the said executors may pay off such loans by moneys borrowed on the security of the real estate left by the said Alexander M. de Lisle, and the sum of thirty-seven thousand shall form part of the said amount of eighty-seven thousand dollars.

Coming into  
force.

**3.** The present act shall come in force on the day it is sanctioned.

## CAP. CXXII.

An Act to ratify and validate a certain deed of compromise, abandonment and transfer, between the Congregation of the Most Holy Redeemer at Ste. Anne de Beaupré and the freehold inhabitants of the parish of Ste. Anne de Beaupré.

[Assented to 24th February, 1890.]

**W**HEREAS the Congregation of the Most Holy Redeemer at Ste. Anne de Beaupré, a body politic duly incorporated, has, by its petition, represented that François Giguere, of the parish of Ste. Anne de Beaupré, acting for the *curé* and churchwardens of *l'Œuvre et Fabrique* of the said parish, duly authorized to that effect by a resolution of the said *curé* and churchwardens and approved by His Eminence Cardinal Taschereau, Archbishop of Quebec, and by the freehold inhabitants of the said parish, has, by a certain deed of abandonment and transfer, dated the sixth of April, one thousand eight hundred and eighty-nine, transferred and made over unto the Congregation of the Most Holy Redeemer at Ste. Anne de Beaupré, therein represented by the Reverend Father Charles Debognie, thereunto duly authorized, the usufruct and temporal administration of the property of *l'Œuvre et Fabrique* of the said parish, substituting it for that purpose in all its rights, privileges and obligations of the said *Œuvre et Fabrique* in connection with the administration of the said property for the whole time during which the said Congregation shall have the spiritual charge of the said parish; Preamble.

Whereas certain doubts have arisen as to the validity of the said deed of abandonment and transfer;

Whereas the parties to the said deed have, by their petition, prayed for the passing of an act ratifying and validating the said deed;

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The deed of compromise, abandonment and transfer, passed on the sixth of April, one thousand eight hundred and eighty-nine, at Quebec, before Louis Philippe Sirois, notary between François Giguère, acting as stated in the preamble to this act, and the Congregation of the Most Holy Redeemer at Ste. Anne de Beaupré, represented as aforesaid, is ratified and declared valid to all intents and purposes. Certain deed confirmed.

2. This act shall come into force on the day of its sanction Coming into force.

## CAP. CXXIII.

An Act to amend the act 14-15 Victoria, chapter 176, concerning the Temporalities of the United Church of England and Ireland in the diocese of Montreal.

[Assented to 2nd April. 1890.]

Preamble.

**W**HEREAS, the Synod of the diocese of Montreal have, by their petition, prayed for certain amendments to the act of the late Province of Canada, passed in the fourteenth and fifteenth years of Her Majesty's reign, being chapter 176 and intituled : " An Act to make provision for the management of the temporalities of the United Church of England and Ireland in the diocese of Montreal, and for other purposes therein mentioned " ; and it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Citation of act.

**1.** This act may be cited as " The Amended Montreal Diocesan Temporalities' Act, 1890. "

Name of church changed, but not to affect rights, etc.

**2.** The name of the said church, wherever it occurs in the said act, is hereby changed to that of " The Church of England in Canada ; " but such change of name shall not in any way affect any rights, franchises or privileges, held or possessed by the said church, or the members thereof, or by any bishop of the said diocese, or by any parson, rector or incumbent of the said church in the said diocese.

" Person " and " member " defined.

**3.** The word " person " or " member, " wherever it occurs in the said act, shall be held to apply to the male sex only.

14-15 V., c. 176, s. 2, amended.

Proviso as to certain persons.

**4.** Section 2 of the said act 14-15 Victoria, chapter 176, is amended by adding the following thereto " and unless such person be a member of the Church of England in Canada, and shall have declared himself in writing, in a book to be kept for that purpose, to belong to the Church of England in Canada, and to no other religious denomination. "

Sections added to 14-15 V., c. 176.

**5.** The following sections are added to the said act, after section 23, thereof :

Vestries of free-seat churches to fix certain amount of contributions

" **23a.** It shall be in the power, and shall be the duty of each existing vestry in the various churches and chapels of the said church in the diocese of Montreal in which the pews and sittings are free, to fix and determine, on or

before Easter Monday in the year eighteen hundred and ninety, the amount of annual contribution that shall be necessary to entitle the members of each such church and chapel to be members of the vestry; and thereafter the vestry in each such church or chapel shall consist of, and be limited to such persons, being of the full age of twenty-one years, as shall declare themselves in writing, in a book to be kept for that purpose, to be members of the Church of England in Canada, habitually attending worship in such church or chapel, and contributors to the funds thereof to the extent fixed by the vestry of such church or chapel, and not in arrears with respect to such contributions.

The rate of such contribution may at any time be altered by the vestry.

Nevertheless any "free-seat church," which may be declared such by a resolution of the vestry thereof, at the first meeting duly held after the passing of this act, or at any subsequent Easter Monday meeting, may determine that in future the vestry thereof shall be composed:

1. Of persons of the full age of twenty-one years, who have been communicant members of the Church of England in Canada, habitually attending the services of the said free-seat church, and of no other, for the space of six months during the year prior to the date of such meeting, or;

2. Of persons of the full age of twenty-one years, who have been habitual attendants at the services of the said church, and of no other, for the space of six months during the year prior to the date of such meeting."

"23b. The said Synod is empowered to restrict the rights, defined in section four, to communicant members of the said church, by vote at any annual meeting of the Synod."

6. This act shall come into force on the day of its sanction.

to entitle to membership.

Vestry thereafter how to be constituted.

Rate of contribution may be altered.

Power of vestry of free-seat church to determine the composition thereof.

Power of Synod respecting rights defined in section 4.

Coming into force.

## CAP. CXXIV.

An Act to authorize the admission of Joseph Alfred Hamelin, doctor of medicine, amongst the members of the College of Physicians and Surgeons of the Province of Quebec.

[Assented to 2nd April, 1890.]

## Preamble.

**W**HEREAS Joseph Alfred Hamelin, after having followed a regular course of medical studies in the school of medecine and surgery in Montreal, without having passed the required preliminary examination, was admitted to the study of medicine, on the 25th September, 1889, and obtained a diploma of doctor of medicine in the month of March of the same year;

Whereas he was erroneously led to believe that the certificates of study which he had obtained at college and at the seminary, were equivalent to a certificate of admission to study;

Whereas the College of Physicians and Surgeons of the Province of Quebec cannot grant him the license required by law, owing to such irregularity, and consents to the admission of the said Joseph Alfred Hamelin amongst its members;

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

J. A. Hamelin,  
member of  
college of  
physicians  
and surgeons  
and author-  
ized to receive  
license.

**1.** Joseph Alfred Hamelin, doctor of medicine, is declared to form part of the College of Physicians and Surgeons of the Province of Quebec, which is authorized to grant him the license required for the practice of medicine, surgery and obstetrics in this Province.

Coming into  
force.

**2.** This act shall come into force on the day of its sanction.

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